

IF THIS BE TREASON

IF THIS BE TREASON

Helen Joseph



ANDRE DEUTSCH

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FOREWORD

by

Ex-Chief Albert Luthuli

*former President General of the African National
Congress, winner of the Nobel Peace Prize*

‘What are Kingdoms without Justice
but large robber bands?’ ST AUGUSTINE

Mrs Helen Joseph has made an important contribution to the literature of the liberatory movement in South Africa.

The treason trial must occupy a special place in South African history. That grim pre-dawn raid, deliberately calculated to strike terror into hesitant minds and impress upon the entire nation the determination of the governing clique to stifle all opposition, made one hundred and fifty-six of us, belonging to all the races of our land, into a group of accused facing one of the most serious charges in any legal system.

When I used to sit with my co-accused during the dreary, soul-searing proceedings of the Preparatory Examination, my mind would insistently go back to the great similarity of techniques and methods that marked the nightmare of Hitlerism from which we thought we had emerged barely a decade ago.

The dictatorial minority which ruled South Africa made a desperate gamble when it decided to indict a large section of its opponents for treason. The reason and intention are obvious. In most parts of the world, law and order are still supposed to be the supreme good. Whatever is, is supposed to be right by some strange logic. The universal prevalence of this view shows to what extent humanity is still under the thralldom of mere habit. Innovators and

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initiators of progressive change are always suspect, and all the more to be dreaded and put out of the way if they are addicted to irresponsible violence, or, nowadays if they are merely suspected of keeping company with Communism. Nationalist logic was naïvely simple, almost to the point of stupidity. They would convict us of being Communists, of not only having dark designs to overthrow the State, the established order, by violence, but of actually plotting the means to this end. They would also drive terror into would-be opponents, showing them the high cost of opposition, in the way of disrupted families, insecurity, loss of employment and the host of difficulties which attend such lengthy trials. The treason trial would be notice to the world, especially to 'Communism-haunted' people of the Western World, that the minority White Government of South Africa is indeed a bastion of Western Civilization (whatever that may mean), and a foremost ally in the struggle against Communism.

In its pathetic progress, the trial degenerated into a crude attempt to brand us and our organizations as Communist. But, indeed, as it so often happens, 'the best laid plans of mice and men gang aft agley'. This supposed master-move of the then Minister of Justice, this trial to end all trials, ended in foredoomed, miserable failure—a failure which may well mark the beginning of the end for this ugly interlude of nationalist rule over our fair land. For at the time the pre-dawn raids were carried out and the trial began, Nationalism was rampant, in full cry, and the Jericho Walls of White Rule in South Africa were still without a breach, while the ugly form of Apartheid was spreading its shadow over the land in greater volume and ampler sweep. At the end of the trial, the granite walls still remain, but they certainly reveal a few very significant cracks. Victory is certainly not in sight, nor near, but at least, the forces of progress have been vindicated.

And not only that! The trial has been an inestimable blessing because it forged together diverse men and women of goodwill of all races who rallied to the support of the Treason Trial Fund and to keeping up the morale of the accused. What would have been the plight of the accused without our Bishop Reeves, Alan Paton, Dr Hellman, Canon Collins, Alex Hepple, Christian Action, Archbishop de Blank, and Archbishop Hurley and all the other loyal men and women without whose help and co-operation, chaos would have prevailed in our ranks? We shudder to think even of the

FOREWORD BY EX-CHIEF ALBERT LUTHULI

prospect of how we would have fared if they had not come forward. In all humility I can say that if there is one thing which helped push our movement along non-racial lines, away from narrow, separative racialism, it is the treason trial, which showed the depth of the sincerity and devotion to a noble cause on the white side of the colour line, ranging from those already mentioned to the brilliant team of legal men who defended us so magnificently for so little financial reward. To all these gallant helpers, I should like to say on behalf of all the accused that our future course of conduct will justify your help, for in all things we shall be motivated by the noble urge of human unity rather than division and separateness.

AUTHOR'S NOTE

The dramatic story of the mass arrests of one hundred and fifty-six people on a charge of high treason has already been told in *South African Treason Trial* by Lionel Forman, one of the accused, with E. S. Sachs as co-author. This brilliant young journalist and barrister described the drama and comedy of the long drawn out Preparatory Examination, and his book came to us on the very day that we were committed for trial. We sat in the cells under the Magistrate's Court waiting for our new bail to be arranged and autographing each other's copies.

Then after many months we came to Pretoria, to the Special Criminal Court, to face the treason trial itself. Lionel was still with us when we first came and I watched him making his notes. I used to wonder how and when his second book, on the trial itself, would be written.

In October 1919 we heard that he was dead. He was not with us in Court at that time, because he was among the sixty-one whose indictment had been withdrawn. They were not discharged, however, but were awaiting the outcome of our trial. Lionel was in Cape Town and we knew of the serious condition of his heart; knew too, that instead of living a lesser life on account of his illness, his days were crammed with activity and work. His adult years had been filled with an unfaltering dedication to the ideal that all men and women should be able to live complete, healthy and happy lives, unmarred by poverty, degradation and ignorance.

His death was sudden. He had taken the chance offered by a heart operation to add 'at least seven years to his life', as the doctors had said. The risk was very great and so was his indomitable courage. But he did not survive the operation.

Months later, I was asked by Mr Sachs to complete the task

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which Lionel had barely begun. I know that this book is not—could not be—as he would have written it. But Lionel wanted the story of our trial to be told. This is not the full story of the treason trial. It is neither a legal nor a political analysis. It is primarily *our* story of the last dramatic year of the trial, from March 29th 1960, the day when we were arrested under the Emergency Regulations which were declared after Sharpeville, to March 29th 1961, the day when we were at last acquitted of the charge of high treason.

I want to express my sincere thanks to Advocate Sydney Kentridge for reading the manuscript and for his most valuable advice, to Miss Diana Athill who has helped me so tremendously in the final stages of preparation, to 'Solly' Sachs, but for whom the book would never have been written, and last but not least, to Farid Adams, Accused Number One, who has so willingly given up countless hours during the past years to the typing of this MS and of my weekly summaries of the actual trial proceedings.

I should like this book to be a tribute to my fellow treason trialists, who were called upon to endure so much more hardship than ever I had to face; to the Treason Trial Defence Fund and all its thousands of supporters, who provided funds for our very survival; to our incomparable legal defence; and to all those who carry on the struggle 'side by side, throughout our lives, until we have won our liberty.'

H. J.

BACKGROUND TO THE TREASON TRIAL

JUNE 25TH AND 26TH 1922. Five thousand people gathered together under the blue skies of South Africa at the Congress of the People. They had come from the four corners of the land, by train, by lorry, by car, driving hundreds of miles, evading police blocks, determined to be there, to make the Freedom Charter their own, to declare for all the world to know the South Africa they wanted for themselves and their children. Despite police intimidation, ugly and sinister, the people had come—people of all colours, all ages, all races. There was a simple dignity and homeliness about it all. Although this was a gathering of the people's representatives, fully conscious of their great responsibility, it was not a formal, highly organized convention: two thousand eight hundred delegates in all, listening to the speeches, debating earnestly every clause of the Charter which had been born out of their hopes and their heartaches, out of their poverty and the denial to them of fundamental human rights. Every clause of the Charter mirrored the conditions in which the non-White people live in South Africa.

Can this be treason? To meet together, to embody your needs and your rights in a Charter? Yes! said the police, and there they came, marching as to war, fully armed with sten guns and assegais; marching into this peaceful gathering, throwing a cordon around the delegates, searching until long after dark. Their warrant? To investigate high treason.

At dawn on December 5th 1922 came the next act of this strange mixture of comedy and high tragedy, when the Special Branch of the police raided homes throughout the length and breadth of the country and arrested one hundred and forty men and women of all races on a charge of high treason, a capital offence under South African law. Those from other centres were flown in military Dakota

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aeroplanes to Johannesburg under police escort. Sixteen more persons were arrested a week later. Only on December 21st, sixteen days after the first arrests, were the accused released on bail.

A Preparatory Examination lasting more than twelve months was held in the Johannesburg Drill Hall, there being no law court large enough for one hundred and fifty accused. The story of the arrests, the sixteen days during which the accused were held without bail, the police shooting at the crowds at the beginning of the proceedings; all this has already been told in the first book on the treason trial. At the end of this long preparatory examination, the charge against sixty-four of the accused was withdrawn. Ninety-one were indicted on a charge of high treason, with alternative charges under the Suppression of Communism Act, and were brought to the Special Criminal Court in Pretoria, thirty-six miles away from Johannesburg, in August 1919.

After a lengthy battle on the indictment, lasting until October 1919, it was suddenly and dramatically withdrawn by Mr Oswald Pirow, QC, the leader of the Crown team. But within two months a new indictment was framed, this time for high treason only, and was issued against the remaining accused in three batches. When the first batch appeared in Court in January 1919, the trial of the other sixty-one was set down for the same Court for April 20th. Could the Crown really have believed that the trial of the first thirty would be over by then?

The attack on the indictment for high treason was renewed, and in March 1919 the Court adjourned pending an interlocutory appeal to the Appellate Division in Bloemfontein. Yet on April 20th, the remaining sixty-one were brought to Court on the same indictment. It was quashed on technical grounds, but these sixty-one men and women were still not free. The sword of Damocles hung over their heads for yet another two years, for it was only in May 1919, after the inglorious collapse of the trial of the first batch of thirty, that the Attorney General finally announced that the Crown would not proceed against the sixty-one.

Why was this abortive trial ever staged? Why was it pursued so relentlessly until almost the very end, when the Court itself brought the proceedings to a close? Why were the arrests carried out in such a dramatic, spectacular fashion? The answer to some of these questions can be found in the challenging address to the

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Court by Defence Counsel Vernon Berrangé at the beginning of the Preparatory Examination.

‘The accused do not propose merely to defend themselves against the allegation made by the Crown. The accused will not only endeavour to establish their innocence, but will assert and in due course ask the court to hold that they are the victims of political kite-flying on the part of those responsible for these prosecutions. We will endeavour to show that these prosecutions and the manner of their presentation, are for the purpose of testing the political breezes in order to ascertain how far the originators thereof can go in their endeavours to stifle free speech, criticism of the government and in fact, all that the accused believe is implicit in their definition of the oft-misused word “democracy”.

‘That this is no ordinary trial can be gathered from the fact that the accused are in themselves no ordinary persons. They constitute a cross-section of the members of our population. In their ranks are to be found a Member of Parliament, clergymen, lawyers, journalists, students, clerical workers, and labourers. They come from all races, but all of them hold one thing in common, despite the fact that they have different and differing political affiliations, and that is a belief in the brotherhood of man and a desire to work for his betterment and towards his ultimate freedom.

‘This is no ordinary trial if one has regard to the crude and jack-boot manner in which the arrests were effected. . . .

‘That this is no ordinary trial is shown by the manner in which it has been set in motion. Many months ago the Minister for Justice in a debate in the House of Assembly was prophesying the arrest of two hundred persons on charges of treason.

‘We will establish that before ever the Freedom Charter was drafted or the Congress of the People was held, the then Chief of Police, Brigadier Rademeyer, was reported as saying the idea of a Freedom Charter was treasonable. But he and the newspaper which published his remarks retracted quickly when a demand for damages was made by some of my clients.

‘We will show, that as a prelude to these proceedings and that for the purpose of creating favourable conditions, the Security Police set out deliberately to create a fantastic atmosphere of treason around everything that the accused have worked for. They did this by

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endeavouring to intimidate the public with their attendances at open and legitimate meetings, by conducting mass raids and country-wide searches and by flourishing sten guns, fixed bayonets and truncheons.

'The most fantastic allegations of plots to poison water supplies and to bomb power stations have been made by Ministers of the Crown which, we will allege, were made to provide a certain justification for the activities of the police and to quieten the public alarm aroused thereby.

'A battle of ideas has indeed been started in our country; a battle in which on the one side—the accused will allege—are poised those ideas which seek equal opportunities for, and freedom of thought and expression by, all races and creeds and, on the other side, those which deny all but a few the riches of life, both material and spiritual, which the accused aver should be common to all.

'The Defence will allege that this trial has been instituted in an attempt to silence and outlaw the ideas held by the accused and the thousands whom they represent.

'The Defence will also show that the political activities of the accused, the views they hold and the ideas they have expressed are matters of public record, and that no attempt has ever been made to conceal their aims from the world or the manner in which they hope to achieve them.

'The Defence will therefore contend that this case is a political plot of the type which characterized the period of the Inquisition and the Reichstag Fire Trial. We believe that in the result this trial will be answered in the right way of history.'

Over three years later the trial ended in triumph for the accused and their organizations, for the Crown eventually foundered on its own rock of 'violence against the State'. 'Wedded to violence' was how Mr Justice Bekker described the Crown Case. The Court finally rejected the Crown allegations.

'On all the evidence presented to this court and on our findings of fact it is impossible for this Court to come to the conclusion that the African National Congress had acquired or adopted a policy to overthrow the State by violence, that is in the sense that the masses had to be prepared or conditioned to commit direct acts of violence against the State.'

BACKGROUND TO THE TREASON TRIAL

Now the trial is over, but it is not the end of the story, for the struggle of the people still continues. 'The trial which has been hanging over my head,' said Robert Resha, 'is now over. But that does not mean that we have achieved our freedom. We still have to struggle as we did before to bring about peace and harmony between all people in South Africa.'

Undaunted by the failure of the treason charge, the Nationalist government seeks new ways, new powers to crush its opponents. Each year brings new repressive legislation, each year the patience and discipline of the non-White people is stretched almost to breaking point. The African National Congress was cleared of the charge of high treason; it was proved that it had a non-violent policy; yet a year before the end of the trial it was declared an unlawful organization by a Special Act of Parliament. Threats are still being uttered, from time to time, that other Congress organizations will be outlawed.

1919 saw a new form of intimidation, a further cynical flouting of the rule of law. Powers have been given to the police to hold a person without bail for twelve days, while arrest and imprisonment on charges later withdrawn have become the order of the day, a common feature of Nationalist action against their opponents. It is indeed a convenient way of disposing of unwelcome opposition.

1919 saw, too, the call up of military units to intimidate the struggling people and to create an atmosphere of panic and emergency at the time of the Congress stay-at-home in protest against the Verwoerd Republic. The stay-at-home was announced as peaceful and non-violent, but it was met with this nationwide threat of military force.

1919 will doubtless see further inroads upon civil liberties, upon fundamental human rights. There is already a foreshadowing of 'house arrests' from 8 pm to 5 am, and no doubt the present flood of banning orders will continue, denying the right of freedom of movement and association.

The treason trial was only one part of the whole pattern of repression, and it was a part that came adrift. Instead of destroying one hundred and fifty-six men and women, and turning them from their chosen path of struggle for the freedom of their people and their country, it resulted only in the strengthening of their resolve and drew the lurid light of world opinion onto this bitter farce played out upon the South African stage.

DIARY OF EVENTS

- December 5 In dawn swoops throughout South Africa, one hundred and forty people of all races are arrested on a charge of high treason.
- December 7 Application for bail refused.
- December 12 Sixteen more are arrested.
- December 19 Preparatory Examination begins. Police fire on crowd outside the Drill Hall which has been converted into a huge court.
- December 21 Fresh application for bail. Granted, and Court adjourns until January 1919.

Preparatory Examination continues throughout the whole year.

- January Preparatory Examination concludes. Ninety-one people are committed for trial. Charges withdrawn against sixty-five.
- August 1 Trial opens in Pretoria before a Special Court composed of Mr Justice Rumpff, Mr Justice Kennedy and Mr Justice Ludorf. The accused are charged with high treason and two alternative charges under the Suppression of Communism Act. Mr I. A. Maisels, QC, leader of the Defence team, asks Mr Justice Rumpff and Mr Justice Ludorf to recuse themselves.
- August 4 Mr Justice Ludorf recuses himself and is replaced by Mr Justice Bekker. Mr Justice Rumpff declines to recuse himself.

DIARY OF EVENTS

- October 13 After two months of argument on the validity of the indictment, the entire indictment is suddenly withdrawn by Mr O. Pirow, QC, leader of the Crown team.
- January 19 Thirty of the accused appear in Court again on a new, shorter indictment of high treason, with no alternative charges. Defence Council apply for the quashing of the indictment.
- March 2 Defence application to quash refused, and Court adjourns pending appeal to Appellate Division.
- April 20 The Special Court quashes the indictment against sixty-one of the accused, who have not yet appeared in Court.
- June The Appellate Division refuses to hear the interlocutory appeal.
- August 4 The Court resumes and the thirty accused still charged with high treason plead not guilty. The Crown opens its case.
- October 11 Mr Oswald Pirow, QC, leader of the Crown team dies, and Mr J. de Vos, QC, becomes leader of the team.
- March 10 The Crown case ends.
- March 14 The Defence opens its case.
- March 21 Sharpeville: sixty-six people shot dead by the police during anti-pass demonstration.
- March 28 One day strike called by African National Congress in protest against Sharpeville. Economic life in major centres paralysed.
- March 30 State of Emergency declared. Twelve of those accused of high treason arrested in dawn raids, nineteen arrested outside court. Accused held in gaol throughout the Emergency, for five months. Accused Number twenty-four, Wilton Mkwayi not arrested by police, and goes into hiding, later leaving the country.

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April 1	The trial is adjourned as a result of the State of Emergency.
April 26	The Court rules that the trial must go on. The accused cancel the mandate of their Counsel and conduct their own defence.
August	Defence Counsel are recalled. Advocate Fischer, QC, applies for the recusal of Mr Justice Rumpff on the grounds of the doubt in the minds of the accused that they are getting a fair trial from him. Application refused.
August 31	State of Emergency lifted and accused released from gaol.
September 1	Crown makes unsuccessful application for re-arrest of all accused.
October 7	Defence case closed.
November 7	Crown argument begins.

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March	The Crown argument ends after four full months. The Defence argument begins.
March 13	Elias Moretsele, the oldest of the accused, dies suddenly of a heart attack.
March 23	After only three weeks of the Defence argument, the Court is adjourned so that the judges can study the position before continuing with the Defence argument.
March 29	The Court by a unanimous verdict finds the accused not guilty and they are discharged. Full judgement with reasons to be given later.

Of the thirty accused, twenty-four are African, one Coloured, three Indian and two White.

Over 9,000 exhibits were handed into Court—211 witnesses were called by the Prosecution and twenty-five by the Defence.

The thirty men and women spent about 1,400 hours in the Special Criminal Court and travelled about 22,000 miles to and from Court.

High treason is a capital offence under South African law and may carry the death penalty.



THIS TRIAL IS OUT OF DATE

TUESDAY, MARCH 29TH 1919. As we sat in Court, listening to the cross-examination of Chief Luthuli, our thoughts turned to what was going on outside during those troubled days. Duma Nokwe, Advocate and Accused Number Sixteen, turned round and muttered to me 'This trial is out of date.' I thought that he was right, for it was already more than four years since we had been arrested, and so much had happened since then—more especially in the last weeks, when the horrible massacre of Sharpeville had shaken the whole world: sixty-six people dead, shot by the police, while we had to sit immobilized and inactive in Court, day after day, year after year.

The month of March had seen mass activity on an almost unprecedented scale. The African National Congress fixed March 31st as Anti-Pass Day; then Sobukwe of the Pan Africanist Congress made a dramatic announcement calling on Africans throughout the country to walk to the police stations on March 21st and offer themselves for arrest until pass laws have been abolished. Sharpeville followed these demonstrations, and the African National Congress had now called for a mighty demonstration, a stoppage of work in protest against the ghastly Sharpeville massacre. The government seemed to be on the run and pass laws were suspended. Chief Luthuli had burnt his pass. All over the townships, all over the Union, passes were being burnt. In Parliament there was a Bill to outlaw the African National Congress and the Pan Africanist Congress—who knew what other organizations might follow? Was this a time to sit in Court, passively listening to this trial which we were so sick of? This trial was out of date indeed.

'Silence in Court!': we heard that shout for the first time in 1919, when the prison van took one hundred and fifty-six of us from gaol

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to the bare barn of the Drill Hall, where we were to sit for the fourteen months of our Preparatory Examination.

But by January 1919 the Examination was over. Ninety-two of the accused were committed for trial on a charge of high treason; we were taken back again to the great cell beneath the Magistrates's Court where we had all met together in December 1919. It took four hours for our bail to be arranged and then we were free again, to await the trial itself. We scattered all over the Union, to our homes, to our jobs—the few who still had them. The future looked uncertain; we didn't know when the trial would be—nor where. There had been a rumour that it might be moved to Pretoria, but we just didn't believe that could happen.

It was not a happy prospect for most of the accused. Months of unemployment lay ahead. Many were financially crippled already; during the long months in the Drill Hall, debts had piled up, instalments had fallen into arrears. It did not seem as though the trial itself would even begin for some months, and we could not think of its end. Would we have believed it if we had been told that three years later we should still be on trial?

Doctors, lawyers, factory workers, clerks, trade union officials, labourers; our walks of life were many and varied. The accused who lived in Johannesburg were the most fortunate; we had to face no separation from our families; a few of us could carry on working, for we had kept our jobs during the long months in the Drill Hall. But forty-one of those committed for trial came from afar, from six hundred, a thousand miles away.

There were cheerful farewells at the station. 'See you at the trial!' we shouted as the trains pulled out, and the dreary platforms echoed to the shouts of 'Afrika!' For the accused were going home again, home to their wives, their children—for how long? We did not know. But we all knew that we must use these months to plan for the future—which wasn't really a future. It was six months before we met again; six months of struggle and anxiety. Each month more of the accused were compelled to come to the Defence Fund for assistance. God alone knows how some of them held out as long as they did.

On August 1st 1919, ninety-one of us heard it again—'Silence in Court!'—when the trial opened in Pretoria, thirty-six miles from

Johannesburg. Not one of us lived in Pretoria; for those of us who came from other parts of the Union there were no relatives there to offer kindly homes; only fifteen of the ninety-one of us had managed to find any sort of accommodation. We were bitter about this cruel caprice of the Minister of Justice. There could be no reason to set the trial in Pretoria, except the deliberate intention of separating us from the mass of our supporters and from our friends.

It spelt disaster for almost all of those who had managed to keep their jobs—five hours a day to be spent in travel, five hours sitting in a bus—hours that might have been spent earning money to pay the rent, to buy food and clothes for the children, to give a man some feeling of independence, to ease the agony of being a burden on the family. It cost the government £500 a month to run that bus, but it cost the accused twice as much, in the money they couldn't earn. 'The public safety is more important than the convenience of the accused,' said Pirow.

So to Pretoria we went—first ninety-two and then thirty. The bus became a very important part of the lives of the accused, for we spent nearly as much time in it as we did in Court. We travelled nearly twenty-three thousand miles in it—a girdle around the earth—imagine going round the world in a lumbering jolting bus, for this was no luxury safari motor coach. It was an ordinary bus of the kind that serves the non-European townships, the seats hard slats of wood (until drastic protest brought some scanty cushions).

Once, in January 1919, the bus failed to arrive in Pretoria for the opening of the trial of the thirty accused. The judges waited, Counsel waited, the public and the international observers waited at the Special Court—and the twenty-one accused who lived in Johannesburg waited too. Someone had blundered. After two hours came a gaol van; we looked at it scornfully. 'Why should we ride in such a thing? We are not prisoners!' Only after consulting our Counsel on the telephone as to whether it would be proper for us to ride in such a conveyance did we graciously agree—on condition that we were not locked in! Harassed policemen drove us out of Johannesburg, but something was wrong. The engine spluttered and petered out. To the amazement of the local residents, we climbed out. They had never seen gaol-van passengers calmly standing around outside it while the police escort buried their heads under the bonnet. We started again, but after another few miles it broke down

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completely. More delay, until another police van was brought. We telephoned dutifully to our waiting Counsel to report on lack of progress. Eventually we arrived three hours late. The Attorney-General had complained, we heard. He told the Court that it was 'an act of grace on the part of the Department of Justice to provide this transport'. Whose act of grace was it to hold this trial thirty-six miles away from our homes?

The bus itself became a little world apart. Some would read, others passed the time playing word games; sometimes discussions would flare up and draw in others, who would rise to their feet to join in above the noisy rattling of this lumbering Leviathan. Political discussions? Not at all. It would probably be the men of the Eastern Cape, with Simon Tyeki holding forth on the Bible, disputing, arguing, gesticulating; for some of these men were lay preachers and their religion was very real to them, part of their daily life. And this was what the Crown failed to understand: that when these men brought God and the Bible into their speeches, that was their true way of thinking. Yet such men as these were accused of high treason.

The daily journeys became almost intolerable at times. Because we were human beings, not disputes arose about seats, trifles took on the importance of earth-shaking events—tempers flared. Was it any wonder? Eventually Philemon Mathole was appointed 'Commissioner General' of the bus, and peace was established under his stern rule until we finally discharged him with honour on the last journey in the bus on March 29th 1919, the two hundred and eleventh journey to Pretoria!

There had been laughter and sadness during those years, in our little world. Who could forget the showers of telegrams when the trial re-opened? Fifty, a hundred, from all parts of the world, from all parts of South Africa, '*Mayibuye Afrika!*' they read, 'Solidarity and sympathy!' We felt like stars on a first night, excitedly tearing open the orange envelopes, passing them from one to the other, backwards and forwards along the rows.

On the first morning of the trial we gathered in the Congress office in Johannesburg very early and marched defiantly in an unauthorized procession across Johannesburg, through the crowds of workers disgorging from trains and buses to the day's toil in factory and

office. We sang as we marched over the bridge to where the two treason buses stood, on whose hard seats so many weary hours of travel were to be spent for nothing. We began our first journey to the trial.

As we rode down the streets of Pretoria we found our friends waiting for us at the Special Court, the newly converted Synagogue. Hilda Watts, wife of one of the accused, wrote in *New Age** about our arrival:

'Perhaps we only imagined it, but there seemed to be an air of expectancy as we drove into Pretoria, as though this calm civil service town was alerted for the big trial. We did not need to ask the way to the Old Synagogue. We simply followed the clusterings of khaki uniforms. Where they were thickest, that was the place.

'Two queues had formed outside the iron gates—white and black. At the head of one queue was Ida Mtwana, formerly one of the accused, who had waited since before six in the morning so that she would be sure of a place inside. People stood in groups around the building, but the greatest activity centred around the Press representatives and cameramen. There were masses of them. One man had three different cameras slung round his neck. The newsreel people were busy. They did not want to miss the important people. The legal representatives were the centre of attention for a while, then they went inside and the newsmen scuttled around elsewhere.

'Inside and out, the Old Synagogue bears not a vestige of religious atmosphere. In the courtyards, on different sides (everything is strictly divided into "European" and "non-European") are waiting-rooms for witnesses, interview rooms, lavatories; inside, there is a formal atmosphere about the old building, with its high narrow galleries, ornate columns and fancy mouldings. The whole place contrasts sharply with our memories of the Drill Hall, which was just one big hall where all were massed together, and where casualness and informality prevailed, and muddle and inefficiency characterized the police. Perhaps that was why some treated the whole case as a big joke.

'It is no joke, and that must be plain to all.

'But soon there is a sound of singing, we look up—the buses have

**New Age*, 7.8.58.

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arrived! The songs, the raised thumbs, the spirit of courage and unity, all this arrives with the accused in their buses, just as it came with the *kwela* that morning more than a year and a half ago when they were first brought from the prisons to the Court.

'The spectators pack the public galleries, White along one side, non-White on the other. The Press galleries are all packed. The spectators are high above the well of the Court, and they stand and crane to see what is going on.

'The red-robed judges file in and take their seats. The public and pressmen strain to identify leading counsel in their black robes and white bibs. The clerk of the Court opens the proceedings in both official languages and the prosecutor explains the absence of some of the accused; the man who is "in custody" at Port Elizabeth—but someone blundered and failed to deliver him for the trial; the man who "missed the bus"!

'The rest of the ninety-one accused are sitting in rows of benches closer together than ever before. Indian, European, African, men and women. All around is Apartheid and the sharp division by notice and by order—Black this way, White that.

'But here, in this Court, once again these ninety-one accused demonstrate so vividly the truth for which they stand. They worked together for justice and equal rights for all, regardless of colour. They answer the charges side by side, undivided, and so they will be to the bitter end.

'The formalities are over, and defending Counsel rises to his feet. The Court is hushed. South Africa's treason trial has begun.'

The leader of the Defence Counsel, Advocate 'Issy' Maisels, tall, bespectacled, with dark hair receding from a massive forehead, rose to his feet to make a dramatic application for the recusal of two of the judges, the Presiding Judge and Mr Justice Ludorf. Only a few of us knew this was coming; it had been a closely guarded secret, but we knew our fellow accused would understand and approve. The decision to make the application had been taken by our Liaison Committee* on behalf of all the accused, in consulta-

*Because we were so many accused we had elected a Liaison Committee of twelve of us for consultations with Defence Counsel and also to look after our own affairs and to keep in touch with the Treason Trial Defence Fund.

tion with Counsel only a few days before. It had not been taken lightly; Defence Counsel had warned of the possible serious implications of either success or defeat in such an application. But we had been unanimous.

The judges sat, immobile in their scarlet robes, as Mr Maisels proceeded clearly and logically to outline the reasons why we thought we might not get a fair trial at the hands of these two judges. Judge Ludorf had been an advocate representing the Government in 1954 in a case in which the issues were largely the same as some of the issues in the present case. The Presiding Judge according to the Press, had been said by the Minister of Justice, to have been a party to the appointment of Judge Ludorf to this Special Court, and the report had not been corrected.

And so almost within minutes of their appearing, the judges gathered up their robes again and filed out. The Court was adjourned until after the weekend for their Lordships to consider the application for recusal.

Elated, we gathered up our possessions, and left the Court.

The following Monday, we were back in Pretoria. In a crowded Court and an atmosphere of hushed expectancy, Mr Justice Ludorf admitted that our fear might not be unreasonable. He had forgotten about the previous case, he explained. Looking back now one feels that the recusing judge was the fortunate one, since the trial lasted so long!

The Presiding Judge, Mr Justice Rumpff, leaned forward. Speaking in a low clear voice he denied the Minister's allegation that he had nominated or recommended either Mr Justice Kennedy or Mr Justice Ludorf.

'Whatever was said by the Minister it is my duty to state the facts to the accused. I repeat, I did not recommend the appointment of Justice Ludorf or Justice Kennedy.

'The fear of the accused was based on wrong information. I have no choice but to follow the dictates of my conscience and refuse the application for recusal.'

On August 12th we were back for the third time with Judge Bekker in place of Judge Ludorf, and the battle of the indictment began. By August 1919, a year later, this part of the trial was over; the

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indictment for thirty of us still stood in an amended form; but sixty-one were temporarily free, their indictment quashed. Their future might depend on us.

We pleaded Not Guilty, the trial began—and its rhythms came to govern our lives: the bus from Johannesburg to Pretoria, the court room, the bus back, day after day.

On the opening day, August 4th 1919, our Defence Counsel were all there, a formidable array. We looked at them a little curiously then; only Bram Fischer, QC, Vernon Berrangé and Tony O'Dowd were well known to us; these three had always been our friends. Bram had stood beside us in the political struggle, Vernon had fought many of our legal battles. There was John Coaker, too, who had been with us throughout the long Preparatory Examination, and Chris Plewman who was to do such stalwart work in the long months to come. But Maisels, Nicholas, Kentridge: to almost all of us they were then just names, legal giants, prominent in their own sphere, but to us still unknown as people.

'Issy' Maisels, QC, the leader, dominated the proceedings from the outset; a giant of a man in intellect and physique. He commanded the respect of the whole Court and we had admired him from our distance during the argument on the indictment. When he came to deal with Professor Murray, the Crown's expert on Communist doctrine, in October and November, we came to know him; we listened delighted as he chased the learned Professor backwards and forwards, exposed his weaknesses and his bias, challenging him on every pronouncement, on every document on which he had relied. But for us the greatest joy of all was when Maisels delivered his mighty attack on racial discrimination; he took Professor Murray meticulously through every one of the Acts of Parliament which discriminated against non-Whites, forcing him to concede the harsh realities of the life of the non-Whites. He pointed to forced farm labour, farm prisons, imprisonments for failure to pay rent, deportation without trial, pass raids; the accused listened, as only those can listen whose daily life is made up of discrimination. The faces of the judges were impassive as they heard this powerful indictment of Nationalist policy, but at one stage Mr Justice Rumpff queried the object of putting these statistics to the witness. 'Where will it stop?' he asked.

'Where did the Crown stop?' Advocate Maisels retorted. He intended to show that our real inspiration was the miserable conditions of the non-Whites, not 'varying degrees of Communist fanaticism' as alleged by the Crown. We nodded our heads in enthusiastic agreement, and our admiration for this uncompromising challenger of injustice soared high. As time went by we drew closer to this great son of Africa who was so soon to be lost to our country, to become a Judge of the Rhodesian High Court.

Sydney Kentridge used to delight us with his lively exchanges with the Judges and with the Crown. Within the first three weeks of the trial, he dealt effectively with the alternative charges under the Suppression of Communism Act.

'My learned friend [Mr G. Hoexter for the Crown] suggested that it might be necessary to apply surgery to the alternative charges. I submit, My Lord, that they should be buried.'

Mr Justice Bekker: 'There's still life in them yet!'

Mr Kentridge: 'Then I would suggest, My Lord, that your Lordships should quietly put them out of their misery.'

When Kentridge was on his feet we would listen expectantly, for he would fearlessly challenge any suspected infringement of the rights of the accused and Counsel. His argument was lucid, positive, deliberate, delivered in a clear cool voice, the very absence of emotion making it even more effective. With the accused he was a little reserved, but anxious over our well-being, especially during our detention.

It was Kentridge who so pointedly brought the Arlow judgement right in to the case on the very morning that it was delivered, on March 28th 1960. Arlow and Hattingh, two policemen, had been charged with illegally shooting and killing an African—the case was headlines and we waited eagerly for the verdict. A note had reached us as 'Culpable homicide. Fined £75 and £25.'

At that time Advocate Kentridge was examining the witness Dr Conco, Accused Number thirty.

Advocate Kentridge: 'Dr Conco, I think in connection with the Defiance Campaign you were asked whether that sort of defiance would increase respect for law, and you gave an answer. In your view do you think that the Pass Laws, for instance and the arrests under the Pass Laws, increase respect for law?'

Dr Conco: 'No they don't.'

Advocate Kentridge: 'Supposing for instance you had the case of a policeman shooting a man unlawfully and being found guilty of culpable homicide and being fined £25, do you think that increases respect for law?'

Dr Conco: 'Among Africans that does not increase respect for law. In fact it creates a very big resentment against the law.'

And when Mr Trengove broke in to ask what was meant by the question, Kentridge replied blandly 'I'll inform my learned friend at the argument stage, My Lord.'

Bram Fischer, QC, and Vernon Berrangé were the two Counsel who, though so vastly different in personality and technique, were yet the closest to us. These two not only knew that we were innocent of high treason, of any conspiracy to overthrow the State by violence, they also knew that we were right. Vernon had been our god during the long months of the Preparatory Examination in the Drill Hall. He fought our battles for us, ever ready to take up the cudgels on our behalf. He had clashed with the magistrate, Mr Wessels, on many an occasion, championing his one hundred and fifty-six clients. Medium in height and build, always impeccably dressed, he was a joy to behold as he would systematically demolish the Crown witnesses. Long before the trial itself began the name of Vernon Berrangé struck fear into the hearts of police witnesses, because of his incomparable and merciless skill in exposing unreliable or dishonest evidence. Only the utmost truth and sincerity could ever stand against this supreme master of cross-examination. He would begin gently enough, lulling the witness into usually false confidence, and then the attack would begin, and he would take the report of a meeting and tear it piece by piece into shreds, ridiculing the witness into a state of gibbering confusion. At the peak of the cross-examination he would pause, ask his question, and then deliberately look away, as though indifferent to the answer. But well we knew that by this time there would be only one answer the witness could give. Vernon had seen to that.

'Are you serious?' he would say icily, and then he would move in for the kill. One after another we saw them destroyed by Vernon: Special Branch detectives Sharp, Segoni, Masileke and some others whom even the Crown did not dare to produce again at the trial itself. It was Vernon who first challenged Professor Murray in the days of the Preparatory Examination; it was Vernon who then ex-

posed the disgraceful efforts of the Crown to smear the Congress with riots, hut burning, school burning—efforts that were not repeated during the trial itself. Tireless, fearless, confident, he systematically destroyed the Crown witnesses, turning them inside out with his fast-following questions, so deliberately and brilliantly planned.

In the Special Court we expected Vernon to renew his attack on the police witnesses, and we anticipated gleefully the clashes that we thought there would be. But we were wrong. To the trial came a dignified and disarming Vernon, the controlled Counsel of the Supreme Court, not the fighting tiger of the Magistrate's Court. But as we listened and rejoiced again in his deadly cross-examination of the police witnesses, we knew it was the same Vernon. He had laid the foundation during the Preparatory Examination, and for those who survived to face him in the trial itself, Vernon was waiting.

Bram Fischer was Vernon's opposite: sturdily built, fresh-complexioned, with a gentle, almost boyish face, despite his now greying hair. But that gentle face was deceptive, for underneath Bram was indomitable, one of the most brilliant of advocates. He could pursue his way with a Crown witness just as relentlessly as Vernon; silver-tongued, he won the confidence of his witness with gentle skill. He didn't chase his witness into a corner and pin him down, indeed he never raised his voice, but in the end somehow, the witness turned out to have said just what Bram wanted him to say. We marvelled at his unerring technique. I think the Crown did, too, when they realized the fatal concessions their witnesses were making so unsuspectingly.

The Crown began to lead their witnesses. Pirow was there in his special chair, slumping into it, almost disappearing from sight, his voice rasping as ever, but he took no part in the leading of evidence. And he was only to sit there for another two months, until his death on October 13th.

There was van Niekerk, who had been leader of the Crown team in the Drill Hall during the Preparatory Examination: tall, rumped as before, we remembered him fumbling with his files; he led the first Crown witness and we could not fit him in very well with the formality and discipline of this Special Court. He belonged to the

junketing atmosphere of the Drill Hall, where dapper Magistrate Wessels tried so hard, so vainly and for so long to introduce the atmosphere of a Magistrate's Court. Pretoria was different. And it was not long before van Niekerk was in trouble with this Court; the judges soon saw an indefinite future of documents stretching out ahead, and the battle of the summaries began. For a solid eight months, the Court appealed to the Crown to summarize documents, but this the Crown could not achieve.

'Van Niekerk's got document trouble again!' we used to say.

After months of struggle Judge Rumpff gave in. When he had taken a document himself and summarized it pithily, van Niekerk would gaze at him in wide-eyed admiration.

'This is a very good summary, My Lord! I was unable to formulate such a good summary!'

Yet it was to another Crown Advocate that the most cutting rebuff was given, when he summarized a speech as being on Bantu Education, and it was indicated by Defence Counsel that the transcript suggested that it was about birth-control.

Mr Justice Rumpff: 'The Crown has great difficulty in summarizing but if they start summarizing birth control as Bantu Education, they should not summarize at all!'

Early in the trial, the Crown called Andrew Murray, Professor of Philosophy at Cape Town University, as their expert on Communist doctrine. He was no stranger to us; we had sat through his performance once before in the days of the Drill Hall, when Vernon Berrangé had so mercilessly exposed his weaknesses. Now he was back again, claiming to be an expert on Communist doctrine—the only authority to be called. A Polish priest, Father Bochensky, had made an abortive visit a year earlier, only to listen to weeks of argument on the indictment, and returned to Switzerland without ever expounding his knowledge of Communism in the witness box. We wondered whether his mantle had fallen on Professor Murray's shoulders.

For days on end, the Court echoed to definitions and theories and to quotations, as the expert developed the doctrine of Marxism-Leninism. 'The negation of the negation' was one of the phrases that caught our fancy, but it was the 'dictatorship of the proletariat' that was to prove so important to us in the end, for not even Profes-

sor Murray could discover that concept in the Freedom Charter. Reluctantly he had to concede that the type of state envisaged in the Freedom Charter was *not* a Communist State.

Our Defence Counsel opened attack within minutes of Professor Murray's appearance, protesting that the witness should not be permitted to give his evidence from notes. The notes were discarded. The Professor abandoned himself to extempore replies to the Crown questions. But it wasn't long before Advocate Maisels was on his feet again. The witness had quoted a statement by Stalin at the Nineteenth Congress of the Communist Party of the Soviet Union. No foundation had been laid for this piece of evidence and it couldn't be quoted unless the witness himself had been present at that Congress.

'No superstructure without substructure!' cheerfully quoted Defence Counsel from one of Professor Murray's own snippets of Communist doctrine.

The Crown and the Professor struggled on for some days, ploughing their way through expositions of Communist doctrines and lengthy extracts from Communist classics. The Court's patience was sorely tried, as over and over again documents were rejected in face of the barrage of Defence objections. Mr Justice Rumpff insisted that all evidence must be put on a proper basis, and somewhat desperately asked the Crown, 'How must the Court approach this? I ask questions but I can't lead the evidence for you!'

But when Professor Murray attempted to quote from a speech by Krushchev, Advocate Maisels could contain himself no longer, objecting 'The Court has not been told who this gentleman is and has no judicial knowledge of him!'

Mr Justice Rumpff demurred only slightly. 'The Court *has* judicial knowledge that there *is* a Mr Krushchev who is a Soviet leader, but the Court does not know if this is the same Krushchev.'

The Professor's evidence covered a wide field. We found ourselves travelling from Africa to China, from the USA to North Korea, although the Defence objected strenuously to the Professor's claim to speak with authority on the foreign policy of the Soviet Union in North Korea.

Legal argument took up much time on the periphery of the Professor's evidence. We wondered whether the witness had ever foreseen these devastating challenges, although he should have been

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forewarned by his experience at the hands of Vernon Berrangé during the Preparatory Examination. He appeared impervious enough, and repeatedly exposed himself to sharp Defence attacks.

It was a strange sight to see this man of letters passing his comments on a steady stream of books and journals, some four hundred altogether, pulled from the bookshelves of one hundred and fifty people during four years of police raids. It became monotonous, mechanical, almost hypnotic, as the police-orderly marched from the Prosecutor to the witness box, handed the witness a book, which he would open, it seemed almost at random, and pass judgement on it with a terse 'Straight from the shoulder of Communism' or 'Contains Communist matter' or 'Communist Propaganda'. The volume would be handed back and the orderly would march yet again to and from the Prosecutor with ever more books. I became fascinated by the rhythm. The orderly must have walked many miles backwards and forwards.

Professor Murray endured cross-examination by Defence Counsel for twenty-three days. Grimly, relentlessly, his evidence was dissected and remoulded by Advocate Maisels. The witness put up a stubborn, dogged, resistance but he was no match for this, the greatest of South African advocates, and one by one his utterances were whittled down. On the meaning claimed by the Professor for the word 'fascism' as used in our documents, Maisels commented cuttingly, 'We hope to establish at the end of the cross-examination that you are about the only person who uses the word in this special fashion!' And on the Professor's stigmatization of a speech by Chief Luthuli, he was compelled to concede that a reference to trade unions and politics could also be common non-Communist doctrine.

'Why did you not make that distinction in your evidence-in-chief?' demanded Advocate Maisels.

'I was not asked.'

'You are here to tell the Court what it ought to know, but you expected the Court to know that this was also in line with non-Communitistic doctrine?'

'I expected the Court to know that it *might* be in line with Communist doctrine and it might *not* be.'

At one stage Maisels wanted to know, 'Was your task to smell out Communism?'

Mr Justice Bekker asked, 'What was your mandate?'

'To report on the documents, to read them in full and to indicate where I thought there was Communist association or attitudes of mind.'

'You mean no more than that?' burst out Maisels. And he pointed out again that the witness in his evidence-in-chief had not made it clear that views which he stigmatized as Communist were not exclusively Communist, but could be and were held by others.

Advocate Maisels made it clear to the Court that the purpose of the cross-examination of this witness was first to show that the witness was not qualified to give evidence by virtue of his ignorance of significant factors, and secondly that his opinions given in his evidence-in-chief might deceive the Court. 'If you'd only said in your evidence-in-chief that it was Communist theory, but not *only* Communist theory—but you studiously refrained from this.'

Returning to a speech by Chief Luthuli, Advocate Maisels commented, 'Your answers, Professor Murray, have been less than candid (and that's putting it euphemistically), and show that you are completely biased in your approach to this case.'

Concession after concession was wrung from this star witness for the Crown. He agreed that 'extra-parliamentary' had two meanings, legal and illegal; neither was essentially violent, but either might lead to violence. After devastating and detailed cross-examination on the Freedom Charter, the Professor finally agreed that the Charter was a liberatory, humanitarian document and could be the natural reaction of the non-European to conditions in South Africa. There was no clause in it that could be said to be *only* Communist or that could not be said to be bourgeois Socialist. Defence Advocate Kentridge unkindly reminded this expert witness of his showing during the Preparatory Examination, already two years ago, when unidentified quotations from President Wilson, from President Lincoln, from Dr Malan, and even from his own writings had been put to him, and he had said that they were the sort of thing a Communist would say or could be expected to say. We remembered that, too, and laughed to ourselves at the memory, as Advocate Kentridge continued wringing further concessions from the Crown's expert on Communist doctrine.

At last, after thirty-two days in the witness box, the ordeal was over, Professor Andrew Murray stepped down and made his way out of the Court.

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Two hundred and ten other Crown witnesses were called of whom some two hundred were members of the Special Branch. For the accused this had a special significance. It is the Special Branch detectives who dog our steps, who arrested us at dawn for high treason, and later in the dead of the night, with thousands of others, for detention under Emergency Regulations. It is they who ransack and raid our houses, invading the innermost privacy of our homes. It is they who force their way into our conferences marching arrogantly at the head of a troupe of armed police, or who secretly, stealthily, wire our conference halls. It is the Special Branch who attend all our public meetings, scribbling in their little notebooks, who photograph us, who take our car numbers and intimidate our friends, who prowl up and down outside our homes. It is they who bring banning orders.

We execrate the Special Branch; they are the objects of our bitterest contempt and loathing. In direct relationship with us as individuals, it can be conceded that generally they behave with some degree of courtesy, avoiding the brutal methods of the uniformed police, but this does not modify our attitude towards these men, who spy on us and our organizations, and who hide in cupboards and take notes. Today their official title is the Security Branch of the Police, but to us they will always be known as the 'Special Branch'.

The first time that I was ever subjected to a raid by the Special Branch was in 1954; they came at seven-thirty in the morning (now they come before dawn) and I was still in my dressing-gown: I had been ill. I was shown the warrant and I could do nothing but allow them in. I remember how they searched then, prying into all my papers, reading my very private letters despite my protest. Now I destroy all my personal letters as soon as I get them so that the words of those dear to me shall not be read by such men. When they took their leave, after two hours, I was still shocked. My whole life seemed violated. I felt soiled. Today I shrug my shoulders and watch in silence.

In the witness box they made a sorry showing. We had listened in the Drill Hall for months to their stumbling efforts to read their notes, their ludicrous reports of the speeches of hundreds of Congressmen and women. It became immediately clear that *only* the shorthand writers were able to take down adequate notes, and of these there were not more than four or five in the whole Special

Branch. At the Preparatory Examination there were only three or four, and at the trial we observed with great interest that one of these was no longer in the police force at all. This was Schoeman, who had admitted in the Drill Hall that as a detective constable of the Special Branch he had hidden behind a cupboard on more than one occasion to record speeches at delegates' conferences, to which he knew he would not be admitted. Today of course, the police have new powers and can invade any conference.

We speculated with much interest about Schoeman. Had he been dismissed by the Special Branch because he had admitted to the cupboard incidents? Or had he himself decided that there were other ways of making a living?

As far as the trial was concerned we had no objection to the evidence of the shorthand writers, for their recording was accurate; we had no need to fear accuracy. Indeed Counsel stressed in argument that the true reports of our speeches confirmed our non-violent policy. But without exception the longhand writers, White and non-White, rendered themselves objects of scorn. They were not qualified reporters and their garbled, inadequate, reports drew scathing comment from the Judge President even during the trial. He said that he felt that the State had employed reporters to take down speeches at meetings for a long time, and presumably the State had had in mind that some action would be taken.

'Sometimes the State employs shorthand writers, sometimes recording machines, sometimes Africans are sent who may or may not be qualified. Sometimes they are not qualified; *I am not going to make people employed by the State qualified if they are not qualified.*'

Yet it was to *their* evidence that the Court had to listen for so many weeks. The Crown wanted us to be judged by what *they* said.*

*More than thirty longhand writers testified before the Court to speeches made at seventy meetings and the whole of their evidence was finally rejected in the Court's final judgement. 'It is clear, therefore, insofar as all of the meetings are concerned which were reported by longhand writers, that innumerable difficulties faced the Court—there were at times incorrect recordings and the evidence discloses that under cross-examination on at least two occasions the witnesses said that their notes were wrong; there were

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We listened with satisfaction to Vernon and Bram mowing down the police reporters. It was not only that they were the hated Special Branch detectives; it was what they had done to our speeches, to the aims and the principles we had expressed. Some admitted that they had gone to the meetings to write down what they were told to look out for; others that they only wrote down what they thought important; most admitted they could not get down everything they heard; a few were stubborn and destroyed themselves.

During those years it was rare for our speakers to use prepared notes, and some of the speeches that were being so mangled and maimed in Court had been made all of seven years ago—and none less than four. But we knew what our speakers used to say; and it wasn't this garbled gibberish, this double-Dutch, this blood-and-thunder nonsense. Sometimes we became angry as we listened, but Vernon and Bram gave us our revenge. One after another the detectives left the witness box humbled and humiliated.

So much for the police evidence of what we had said at our meetings. But many hours, days, weeks, of the trial were taken up with the laborious evidence of these longhand writers. Yet the Preparatory Examination had already fully exposed the quality of this evidence, and still the Crown had the effrontery to bring such witnesses to this trial, where thirty people faced a capital charge.

The Judges, the Prosecution, the Defence, these were the people who made up our world at Court: a world almost unbearably tedious. Lack of occupation was the worst aspect. It wasn't so much that we were bored, but sheer immobility was a strain. It was an effort to go on listening; often it was an effort to hear what was being

incomplete recordings, some of the recordings were ungrammatical, and the Court was satisfied, that despite the truthfulness of all the longhand writers, their reports could not be relied upon as a sufficiently accurate report upon which to form a true conclusion of the true feelings prevailing at any meeting covered by any longhand writer. In addition, not only was there selection throughout by the longhand writers' recordings, but there were the difficulties of reporting arising from general conditions and the physical inability to record anywhere near a fair percentage of what was said. . . .

And another and more serious difficulty confronted the Court: this was the fact that of thousands of meetings held by various organizations during the period concerned, a minute percentage only had been recorded.

said. We used to say that we could be hanged 'for what we didn't say, for what we didn't do—and now for what we can't hear!'

True, we used to read, sometimes, some of us, but mostly, when we couldn't hear, or were too tired to listen, we slept. Only those who have had to do it can ever know what it meant to travel almost a hundred miles a day for so long, five or six hours a day in a bone-breaking, rickety, noisy bus. Leaving home before six every morning, the accused were physically exhausted throughout the trial. Mondays were not so bad, but by Friday we were all utterly worn out. Those who were clinging on to some sort of job tried to do a full day's work, or a part of a day, in addition to going to Court, and worked frantically at weekends. Was it any wonder that we slept? Most days the time dragged unbearably; I would look at the clock and then tell myself 'I *won't* look again!' But five minutes later I would be turning my head.

I knew every pillar, every window of that Court; I knew just when the sun came in the mornings in the great glassed dome overhead. I used to gaze at the Union Coat of Arms, far above the judges' heads: *Ex Unitate Vires*—Strength from Unity. I used to think how true it was, and wonder at the hypocrisy of a land which by Apartheid denied this very thing.

Each year brought its sorrow. In October 1919, Lionel Forman died at the age of thirty-two, as courageously as he had lived. In the last few hours before the operation he wrote to his wife 'I'm going in without the slightest fear of death, and if I die it will mean nothing at all, it will not hurt me, except in the thought that it will hurt you. . . . Tell the Treason Court we'll achieve freedom in the lifetime of our children and yours, whether they like it or not. . . . Tell the children they must have love for their fellowmen, they must exorcise all race prejudice and understand why it is abominable. . . .' And so passed a great fighter for freedom and justice for all mankind.

Ida Mntwana was the next to go. A gallant veteran leader, she died in March 1919 before we were arrested under the Emergency Regulations, and the African women said that she had gone to Heaven to be there to welcome those who had died so tragically in the Sharpewille massacre.

Attending the treason trial became a way of life; we spoke our

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own language. There was the pony post! I don't know now who called it that—it dated from the Drill Hall days, when we first, very surreptitiously, began passing notes to each other, like children in school. After four and a half years the pony post was still going strong but it wasn't exactly surreptitious then! Our Christmas cards went by pony post. We signed Christmas cards for special people; we all had to sign each card and so we passed them solemnly along to each other, a dozen at a time, on our human assembly line. It was an important task and demanded our serious attention. Treason? Well, we had treason all the year round, but Christmas only comes but once.

In February 1960 'Jurist' wrote in *New Age*,

'What some of the accused have listened to during this period has occupied quite a sizeable part of their vocabulary. You just have to travel with them to and from Pretoria, be among them at tea intervals or during lunch and adjournments to get to know how much legal language is freely and effortlessly spoken.

'The other day one accused was quarrelling with another for having failed to fulfil an appointment. After telling the other how disgusted he was, he went on to question his friend.

'Questioner: You kept me waiting there for hours before I could decide to go, only to find these people gone. What the hell, why did you fail to keep our appointment?

'Answer: I'm sorry man, I just could not make it. I'm really sorry.

'Questioner: Really sorry. It's just an excuse. It's not the first time you have failed.

'Answer: That may be so. But does that carry your case any further?

'Questioner: Well, I am still laying a foundation.

'Answer: OK, carry on.

'Questioner: As your Lordship pleases!'

In March 1960 we celebrated the hundredth day of the treason trial. Our friend Mrs Pillay, who provided us with morning coffee throughout the trial, brought us a special birthday cake, and I wrote in the Indian Congress Bulletin, of the hundred days that had passed:

'A hundred days on trial! As the months and years go past we lose track of the days and it comes almost as a shock to discover that the Crown had made its century—its case has taken already a hundred days and it is not yet over. But it is drawing to a close, unbelievably. The documents have been handed in. Professor Murray has given his evidence and has been cross-examined brilliantly by Advocate Maisels and now the police witnesses have finished their evidence, and during the past weeks we have lived again the days of the Drill Hall when Vernon Berrangé dealt with the police witnesses in a way that warmed our hearts. We have seen the same faces, we have recognized the same attitudes, we have heard the same replies, only it is now "My Lords" and no longer "Your Worship".

'Highlight of this period was the street collection and the application made by the Defence for the Court adjournment so that the accused could collect. The break was given—not for the collection but on account of "the exhaustion of the accused"—and we rode joyfully if uncomfortably back to Johannesburg to throw our weight into the collection, which smashed all our records with the astounding total of £1,670.

'And a story has come back that has touched our hearts, the story of the old African woman, who asked the shop to take back her 3d. worth of tea so that she could put her tickety in the collection box.

'And so the days pass. We sit, we listen to the police reporters; for a few days we heard the tape recordings of which we had been totally ignorant when we spoke. We heard once again "*Afrika*" which several of us have not heard for so long. Our thoughts went back to those days, to the crowded halls and squares. Once the tape recorder played *Nkosi Sikelele* and we heard the voices of our people, but it was only for a short while and then it was cut off again, and we were once more sitting in the Old Synagogue, facing the three red-robed judges in whose hands our destiny lies.

'The end of the trial is in sight—after more than three years. We do not know what the end will be nor when it will be, nor if others will come after us to sit on those same wooden benches, to ride in that same green bus, to listen, as we have listened to thousands of documents and speeches, to many hours of legal arguments. We have lived in a sealed circle, the thirty of us, we have our own language, our own jokes, our own games. Who will ever forget the

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yard of the Court at lunch time, with the accused in little groups playing cards, the "Scrabble" school, others sitting in serious discussions until the Sergeant calls us and we file once more into the Court? Can we really imagine the day when that circle will be broken? And yet that day is coming ever nearer, the day that will see the end of the timeless trial, the day that will be so vitally important for all those who strive for freedom, for it is not ourselves, but our ideals, our very organizations, our struggle itself, that is on trial.'

I did not know then that it would be another year before the trial would end.

'I call Albert John Luthuli!' Chief Luthuli walked with simple dignity to the witness box. His ordeal was to be immense. A witness from March 20th to June 2nd 1919, appearing on twenty-six different days, the time must have seemed interminable to him. Brought from Durban by special relaxation of the banning order, which had confined him to the Tugela district in Natal for two years, he had only been in the witness box for a week and a day when the post-Sharpeville Emergency was proclaimed. He had burnt his pass the Saturday before, giving the lead to his people in the tense days which followed. Arrested in the first Emergency swoop, he was assaulted by a prison warder; his hat fell to the floor and as he bent to pick it up he was hit twice on the head and across the face. He already suffered from serious high blood pressure, and had almost miraculously recovered from a dangerous thrombosis only a few years previously, but he too was subjected to the harsh brutal treatment customarily meted out to African prisoners.

Our Chief was not to resume his evidence until a month later, after the judgement of the Court that the trial must go on, and after our decision to cancel the mandate of our Counsel during the Emergency. Then he returned, a very sick man, allowed to be in the witness box for only a few hours every day. Judge Rumpff treated him with great consideration, anxious to avoid any undue strain, but he had to undergo the most gruelling cross-examination by Advocate Trengove. We marvelled at his endurance and patience, his dignified self-control in the face of these sinister implications and insinuations.

A devout and practising Christian, Chief Luthuli had been a delegate from the Christian Council in South Africa to the International Missionary Conference in Madras in 1938, and in 1948, had accepted an invitation to tour the USA, lecturing on Christian Missions in Africa. Originally a teacher by profession, he had taken an interest in South African affairs, particularly from the time that he had been elected Chief of his tribe, the Abasemakholweni in the Umvoti Reserve, in the heart of the Natal sugar country. But when in 1952, he became a recognized leader of the African National Congress, which he had joined in 1945, he was offered a choice by the Secretary for Native Affairs—to remain the Chief of his tribe or to be the leader of the African National Congress. He replied that he could see no conflict between the two, and was thereafter deposed. But he remains Chief Luthuli to his people.

‘... With a full sense of responsibility and a clear conviction I decided to remain in the struggle for extending democratic rights and responsibilities to all sections of the South African community. I have embraced non-violent and passive resistance techniques in fighting for freedom, because I am convinced it is the only non-revolutionary, legitimate and humane way that could be used by people denied as we are effective means to further aspiration. The wisdom or foolishness of this decision I place in the hands of the Almighty. What the future has in store for me I do not know; it might be ridicule, imprisonment, concentration camp, flogging, banishment and even death . . .

‘In so far as gaining citizenship rights and opportunities for the unfettered development of the African people, who will deny that thirty years of my life have been spent knocking in vain, patiently, moderately and modestly at a closed and barred door? Has there been any reciprocal tolerance or moderation from the government, be it Nationalist or United Party? No! On the contrary, the past thirty years have seen the greatest number of laws restricting our rights and progress until today we have reached the stage where we have almost no rights at all; no adequate land for our occupation, our only assets—cattle—dwindling, no security of homes, no decent and remunerative employment, more restrictions to freedom of movement through passes, curfew regulation, influx control measures: in short we have witnessed in these years an intensification of

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our subjections to ensure and protect White supremacy. It is with this background and with a full sense of responsibility that I have joined my people . . . in the spirit that revolts openly and boldly against injustice.'

A month after he had been deposed as chief of his people, Albert Luthuli was elected President General of the African National Congress. Banned by the government from attending gatherings, confined to the magisterial district of Tugela, Chief Luthuli has continued to play his true role as leader of his people. But he, too, in December 1956, was arrested for high treason. He was amongst the sixty-five against whom the charge was withdrawn at the end of the Preparatory Examination.

In 1961 this man of strength and wisdom, already enthroned in the hearts of his people, was awarded one of the highest honours the world has to bestow, the Nobel Peace Prize. 'I find it hard to believe,' said Chief, 'that in this distressed and heavily laden world I could be counted amongst those whose efforts have made a notable contribution to the welfare of mankind.' But to millions of people, it wasn't hard to believe at all.

Dedicated to militant non-violence, Chief Luthuli feels that 'to engage in any other method might bring bloodshed. To gain freedom without bloodshed,' he says, 'is much the better way.'

In his evidence-in-chief, Chief Luthuli set out clearly the principles of the African National Congress: to achieve equality for all people, to work for the unity of all people and to conduct a non-violent struggle. He had testified to his own belief in the innate goodness of man, to his hope of moral persuasion and his belief in the effectiveness of economic pressure. 'Pressure on self interests should lead to ultimate pressure on the government to accord with the wishes of the people.' He thought there was still goodwill towards Whites but that it was becoming limited as the years passed. He believed strongly in goodness and that the White man could be won over, not, however, by acts of supplication only, that had long been discarded. The African National Congress must continue to appeal to the White man but must also hit his purse so that in his own interest he would approach Parliament.

Mr Justice Rumpff: 'Do you equate innate goodness with the purse?'

Chief Luthuli, with dignity: 'No, the purse is enlightened self-interest.'

In clear simple language he explained the reaction of the African people to their conditions, to the legislation which affected them so harshly, to Apartheid. It was difficult for anyone to understand Apartheid intellectually. 'It is only when you feel it.' Bantu Education, he saw, was designed to give an inferior education to fit Africans for their 'station in life'.

'I know my station in life,' said Chief Luthuli, 'and I don't like it.'

The policy of the African National Congress had always been to oppose the Pass Laws. He did not agree that the pass could be any sort of protection.

'It has been said that when I am dead I can be identified by my pass. What does that mean to me?' he asked bitterly.

Chief Luthuli emphasized that non-violence was the basic policy of the African National Congress; only the National Conference, the supreme body of the African National Congress could change the policy, 'but,' he said, 'I have heard no suggestion to change that policy, not a whisper.' He would have opposed such a suggestion, firstly on personal grounds, secondly because it would not be in the interests of the liberation movement. 'It is not a practical thing.'

Chief Luthuli stressed the need for people to develop a spiritual defiance to anything contrary to human dignity. There should be a spirit of internal defiance, 'divine discontent', but he made it clear that he himself was no pacifist. He had a great respect for past leaders, such as Ahintsa. 'I, for one, have the greatest respect for our past leaders; when their territories were attacked by the Whites coming into the country, they did not merely just stand by and allow their land to be taken, or to lose their freedom.' Such men were an inspiration to the coming generations, even though different methods were used. He explained that there was a difference between pacifism and non-violence, for there were situations where there must be resistance, as in the two world wars. If a country was attacked it defended itself. Chief Luthuli explained that the African National Congress sought to remove race prejudice, which was the evil of South Africa. 'So far as we are concerned we stand for an undivided South Africa, and then therefore we look forward to the whole of South Africa being multi-racial.' The African National

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Congress fought for franchise rights for all, and other rights which were not being enjoyed by the non-Europeans.

Mr Maisels: 'Do you struggle for universal franchise?'—'Yes.'

Mr Maisels: 'Do you believe in full democracy?'—'We do, My Lords.'

Mr Maisels: 'Do you believe in parliamentary democracy?'—'We do, My Lords. We attack the South Africa⁶ Act in so far as it does not give us rights.'

Dealing with the question of land, Chief Luthuli explained that it is a vital issue for the African people.

'To us,' said Chief Luthuli,⁶ 'it is a painful thing and all along the African National Congress has⁶ taken a strong stand in claiming our rights to land. Being dispossessed of land is almost to be dispossessed of life itself.'

AFTER SHARPEVILLE

TUESDAY, MARCH 29TH 1919. The day I remembered at the beginning of this story, when Duma Nokwe said 'this trial is out of date'. The Court rises at 4 pm and we are taken home as usual. For us everything is frustratingly normal, but the world outside is on the move. Of course it has been on the move all the time, and we have always been aware of what is going on, but never have we felt so cruelly cut off from it as now, after Sharpeville. We hear that many Africans are staying at home still, in protest against the massacre. Can they last out?

We return, a few to our offices, the rest to the townships, the great treason bus lumbering its way along fifty miles of familiar road. We expect to meet again as usual next day. I go to my office with Stanley Lollan and we work until nine o'clock and then home to supper and bed.

2 AM WEDNESDAY, MARCH 30TH 1919. I am still awake, but lying peacefully in my bed, when I become aware that a car has stopped outside; I hear the opening and closing of car doors and rapid heavy footsteps coming down my path. As I scramble out of bed, I hear a voice say, 'This is the police, Mrs Joseph, it is Head Constable Viviers—you know me. You must let us in.' So I open the door and see three very large men who come in and tell me that I am arrested under the Public Safety Act, and that no warrant is needed for my arrest or for the search of my house.

I protest that I want to consult a lawyer, but I am told that I am not allowed to speak to *anyone*. And so the search begins. The telephone rings twice and Head Constable Viviers answers it—once he tells the caller it is a wrong number. But he does not tell me who has telephoned. Then I dress, pack a suitcase, lock up my car and

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my house and go off in the police car to the Police Headquarters, in Marshall Square.

We go through the usual rigmarole of checking 'effects' and off to the cell I go, to the same large five-bed cell where I stayed in solitary state on that famous Wednesday of the treason arrests more than three years ago—December 5th 1919. Now it is March 30th 1919, and this time I'm not alone, for I find Violet Weinberg and Philippa Levy of the Congress of Democrats, and receive a warm welcome.

We lie on our beds—it doesn't seem worth undressing, for I fondly imagine that I shall be going to Pretoria in the morning as usual for the trial. And as we lie talking we hear the clank, clank of keys and the clanging of doors and we sit up eagerly, craning to see, saying to each other 'Who is it? Who is it?' In walks gay Rica Hodgson with a suitcase nearly as large as her small self. We chatter, eager for news, as Rica unpacks—and then we all grow quieter and quieter—until quite suddenly the wardress arrives, and it is half past seven in the morning. It now seems hardly likely that I shall be going to Pretoria. We are told that we can take it easy—'There is no hurry'—and then we get our first breakfast in the cells: bread and marmalade and a hard boiled egg and coffee.

We inquire eagerly whether our friends have called with newspapers or anything else and are surprised to hear from the Head Constable in charge of us that he has been instructed to deny that we are here at all. We demand to see the Public Safety Regulations under which we have been charged, but we are unsuccessful. (Only later on do we discover that we were asking for the moon, because they hadn't in fact been printed; and in any case our arrest was then illegal.) We ask for exercise and are told we can go into a yard, a *special* yard, because the ordinary yard is overlooked by the windows of the tall Chamber of Mines Building—and we are not to be seen by anyone! We take our blankets and find a sunny spot in a corner, this being our idea of exercise.

Soon we become aware of voices around us, and gradually one voice seems to rise above the others—it is Goolam Pahad. But it sounds far off. Then we hear Kathrada's voice quite clearly and we jump to our feet and shout, 'Kathy! Kathy!' Kathy, Treason Accused Number Three, hears us and shouts back, gaily giving us 'The World at 1 pm', telling us of the Indians who are with him and of

other arrests and that all the African men are held in Newlands Police Cells and are not with us here. We know the conditions of the Newlands non-European cells and are anxious about our friends. Soon we hear another voice and look wildly round, and find it is Joe Slovo; by getting into the far corner of the yard we can just see his eyes and his forehead in the window above us—he is standing on the lavatory seat. More news is exchanged and we learn that three or four men have been taken away and have not come back. Then I recognize Bertha Mashaba's laugh, and I begin to call her name; soon I hear her reply, 'Helen, we are missing you!'

Now we have established a complete inter-communication system of which we are the centre. The men are on the floor above us, and the African women (Lilian Ngoyi is with them) opposite to us. By standing on their lavatory seats they can all shout clearly over the tops of the high netted windows. We try our lavatory seat too, for the time when we shall be shut up again, and find to our joy that if we shout *very* loudly Joe can hear us. News flashes continue on our 'inter-com' throughout the afternoon. Philippa Levy is called away and we are glad because of her fourteen-months-old child. Julius Baker and Vic Goldberg go from upstairs and we feel that our people outside are working fast, for we have heard that the first Habeas Corpus application has succeeded and know that others will follow.

Late in the afternoon we are locked up again, but we don't mind because now we are in touch with each other. Suddenly we hear voices in the street outside the cell. Our friends are calling to the people upstairs. We clamber on the bedrails, fix our fingers in the wire grating and find to our joy that we can just see into the street. Our friends tell us they have come to take us home and we shout 'When?' Colonel Spengler, the head of the Special Security Branch of the police has been sent for, they shout. 'The order for your release has been served on him!'

We are wildly excited and ignore the warning 'but you may be re-arrested.' It doesn't matter—we are going home! We dress and pack as best we can, between clambering up to the window to get more news. 'Spengler has left his house—he is on the way here,' we are told, and then 'Spengler has arrived!' Soon after that we hear the keys clanging, but we don't care and we face the door with our cases in our hands, smiling broadly. *We are going home.*

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Then to the charge office where, after much greeting and hand-shaking the truth begins to sink in. We are going to be released—and re-arrested again immediately!

Attorney Jimmy Kantor explains to us that he can only be with us until we are re-arrested, after that we shall be 'incommunicado' again. So, while the going is good, we file up to Jimmy and give him a formidable list of messages and requirements. Pressed against the frosted windows of the charge office, behind the counter barricade, are the faces of our friends—we can just recognize them, but we cannot go out to them for we are not released.

We wait and wait, and then our Indian friends outside begin to organize things—first in this field as always. In comes a canteen of steaming coffee and a pile of paper cups, sandwiches follow and it is all very gay and friendly. We send out for cigarettes, stocking up for the days to come. I see many well-known faces among the thirty-odd of us who are being held. We five of the treason trial are, of course, 'old hands'—we've been arrested before. And so indeed have several of the others, for they are veterans of the Defiance Campaign of 1952 and of the Passive Resistance Campaigns. It seems strange for us all to be here without the African men among our friends, and we talk and wonder about them. We scan the newspapers eagerly to read of arrests in other centres—there must be more than two hundred.

After an hour and a half, Colonel Spengler enters the charge office. He thrusts his way to the edge of the counter and mumbles that we have been released. He steps back and a police officer takes his place and tells us we are all under arrest again. Jimmy Kantor says good-bye to us and is gone. Then follows an irresistibly comic ceremony. We are crowded to one side of the charge office and our names are called out. As we cross over to the other side a police officer touches each one on the shoulder and says 'You are under formal arrest.' And as the name is called of any one who was released earlier during the day, we shout in chorus 'Escaped!' We realize that it is no longer the faces of our friends that are pressed against the frosted glass, but the khaki backs of policemen—we are really under arrest again, and policemen with stén guns are standing at the doors. But still our friends outside are not deterred and very soon we see the charge office windows being opened over the heads of the policemen and our 'comforts' come pouring in—sand-

wiches, fruit, cigarettes, playing cards, nuts—surely the strangest cargo ever to be poured in through a charge office window.

Suddenly it is all over and we pick up our suitcases and bags, clutch our newspapers, in which we have read of the arrests of so many Congressmen and women in other centres, and separate again, back to our cells. The six treason trialists are warned to be dressed for Court by 7 am, so we gather that the trial is to go on as usual in spite of the State of Emergency. Violet and Rica and I unpack our cases again, re-arrange our blankets, and go to sleep.

THURSDAY, MARCH 31ST. The wardress comes in at 6 am and I get up, dress and pack—Rica and Violet stay in bed, propped up with blankets behind their heads. Just before seven o'clock comes the wardress, accompanied by none other than Sergeant Davidson, so well known to us all from the long months of the Preparatory Examination.

I say cheerio to Violet and Rica, really thinking I shall see them again the same night, but at the same time a little apprehensive because I have been told to take my suitcase with me. At the office I meet Treason Accused Lilian, Kathrada, Farid, Mosey and Leon—all looking unbelievably smart after two nights in the cells. We walk out to the waiting police van and are greeted with a loud shout of '*Mayibuye!*'*—there are some of the African accused waiting for us, welcoming us. But Leon and I must sit alone in the small compartments of the van, because we are Europeans.

We rattle our familiar way to Pretoria. Sometimes through the bars and the close-meshed wire netting we can see African men and women giving the Congress sign to our singing van load of prisoners as it hurtles through the busy streets of Johannesburg. We see many startled Europeans, too. We drive through the open country and the songs die down, to start again as we reach Pretoria. As we pass the Central Gaol, Leon and I exchange glances—we wonder. . . ?

Then we are back again in our treason trial existence. At Court there is another re-union as we greet the rest of the accused—the twelve who were arrested the previous day immediately the trial had

*'*Mayibuye Afrika!*' The Congress greeting, known throughout South Africa: 'Come back, Africa!'

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adjourned. *They* spent the night in Pretoria, in the cells, and both they and the other African men who have been held in the Newlands Police Station in Johannesburg give us shocking stories of their treatment.

Nelson Mandela, attorney, former Transvaal President of the African National Congress, gives a vivid, horrifying account of the conditions which the African treason trial accused and other detainees had to endure:

‘The time was 1.30 am March 30th 1919, when I was awoken by an unfriendly knock, the type of a knock that even a deaf African in South Africa is able to notice from the reaction of the people in the house. I knew immediately it was the police. “Well, the time has come!” I said to myself as I opened the door. After ransacking my house in search of every piece of paper that attracted their attention, I was arrested without a warrant. No opportunity was given to me to phone any other lawyer nor was my wife told where I would be taken to.

‘After thirty minutes, I arrived at Newlands police station where I had so often visited my clients. Facing the police station are the ruins of what was once known as Sophiatown—then a non-racial township—now bulldozed by the Nationalist Government because it was a “black spot”.

‘Inside the police station I found some of my friends in the struggle for freedom, and our colleagues in the marathon treason trial and from then on more and more were brought in until we were a crowd of forty. We were put in a yard with the sky as the only roof. There was little room to move about. The yard was lit by only one bulb which helped little to dispel the dank darkness. Here we remained standing for the rest of the night, some leaning wearily against the walls, with neither food nor blankets.

‘At 7.15 we were taken into a cell about eighteen feet square. The sole sanitation was a drainage hole in the floor which could be flushed only from outside, if and when the policeman in charge deemed fit. Sometimes he would wait until it became blocked, which did not take long for forty men, who had been locked up already for five hours. The stench became indescribable; unbearable. No toilet paper was provided, nor had we been allowed to keep paper of any sort in our possession.

'Here again the only lighting was from one naked bulb and a small barred, wire-meshed window, high up in the wall, long since discoloured by accumulated dust and dirt which prevented any light from coming through.

'No drinking water of any sort, nor food, was given to us until three o'clock in the afternoon, twelve hours after we had been brought there, and this only after we had protested. Earlier a young White policeman had closed the heavy door on the face of some of us because we dared to protest. This was resented by the men, who were hungry and enraged. We decided that next time the door was opened we would walk out and refuse to go back until we had been fed. So we surged out into a small yard and made our demands. The policeman beat a hasty retreat locking door after door after him. We remained in the yard until the Sergeant came to us, big, burly and crude, the type we know so well from our daily life.

"You go inside!" he shouted to us, "If you don't I'll fix you! We'll bring fifty men and we'll baton you down and break your skulls." Then he tried unsuccessfully to push a few of us back and left us to realize that such threats could be carried out! Sharpeville was only a week away.

'Another came, this time the Station Commander himself, who straight away abused me for standing with my hands in my pockets. From where he stood, outside the gate, he shouted, "Take out your hands!" Provoked beyond bearing, angry and hungry, I refused. When we complained that we had no food, he retorted that he was not interested if we had no manners.

'After this we were therefore surprised when food came—at three o'clock. Food! Soft thin mealie pap, what the gaols consider fit for natives! But we who were so hungry, ate it, despite our dirty hands, for we had not been able to wash the whole day. We ate it with our fingers—and very good it tasted.

'In the afternoon the detainees elected a Committee which was to be in charge of their affairs, consisting of Duma Nokwe, a Johannesburg barrister, and banned Secretary-General of the African National Congress; W. B. Ngakane, a social worker and deputy president of the African National Congress in the Transvaal province; Z. B. Molete, a law student and publicity secretary of the Pan-Africanist Congress; G. Beck, Secretary of the Transvaal Coloured Peoples Progressive Association; and myself. I was also

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elected spokesman for the Committee. The first function of this Committee was to draw up a petition to the authorities in charge of the police station demanding the immediate release of all the men detained on the grounds that the detention was illegal. It also brought to the notice of the authorities the unbearable condition of the cells in which no human being should be held. The petition was then signed by all of us.

'At six o'clock that evening we got more mealie pap, sleeping mats and two blankets. No word can do justice to the filthy condition of this bedding, if such it can be called. The blankets were indescribably filthy, the dirt of months and years, encrusted with dried vomit, reeking with stench, and ridden with lice and bugs. Our stomachs retched with disgust, but there they were, thrown down on to the stone floor and there was nothing else.

'At eight o'clock, one by one, eighteen of us, were called out—for what? We did not know—but to many it was expected release! I was the first to go. I went out into the night, dazed and uncomprehending, and as I stepped out into the front yard of the police station I walked straight into a group of police officers.

' "Name?"

' "Mandela!" I said, and the policeman continued.

' "Nelson Mandela, I arrest you under the Emergency Regulations!"

'And so I was not free after all. There was no warning, we knew nothing, we were merely re-arrested and back to the stench of the cell we went, one by one. Yet, exhausted almost beyond endurance, we slept.

'Just before we left, the next morning, vermin infested and unwashed, I was nearly back into the cell, perhaps for a definite charge this time, for just at that time the Station Commander came to us and greeted my colleague Robert Resha. Immediately, Resha wanted to know why he had behaved to me in that manner the day before. The Station Commander gave the typical White man boss reply, "Mandela was cheeky." To this I took exception retorting, "I'm not bound to take my hands out of my pockets." The Station Commander took such offence that it nearly resulted in blows.

'I was still raving mad with temper when in came Special Branch Detective Sergeant Helberg and says, "Hallo Nelson!", "I am not Nelson to you, I am Mr Mandela!" I shouted.

'By this time tempers were running high and everyone of us was on his high horse. Fortunately, we were told to get into a truck before any of us had the misfortune to referee a fight between Detective Sergeant Helberg and Robert Resha!

'Then we were on our way to Pretoria to the treason trial, packed like sardines in a truck, whose driver acted like a smuggler on the run rather than a representative of the law taking citizens to a Court of Law.'

The trial resumes and falters again to a standstill, as tall Advocate Maisels, QC, informs the three attentive red-robed judges what the arrests and the Emergency Regulations really mean in terms of the treason trial. His customary nonchalance has gone, and his voice rings indignantly as he shows that under the Emergency Regulations, those Defence witnesses not already detained will be exposed to detention without trial, and those already in custody to further detention without trial, for they must inevitably in the course of their evidence make statements which would be 'subversive' under the broad terms of the Emergency Regulations. Witnesses yet to be called might already be held, incommunicado.

The tentative suggestion by Justice Bekker that the trial might be held in camera, to avoid exposure of witnesses, is received almost with horror, and Mr Maisels then goes on to say that even the accused themselves are almost certain to be exposed to interrogation on the policies and activities of their organizations, with penalties of a fine of £500 or five years' imprisonment—or both—for failure to answer a 'lawful' question. Indeed there is no reason to believe that this procedure is not already being used to the prejudice of the accused.

We hear Advocate de Vos, QC, reply that it is the Crown's attitude that there is nothing to prevent a proper trial, but he concedes that the matter requires weighty consideration, and asks for an adjournment to the following day. We file out into our courtyard, now sealed off at the entrance by three or four policemen so that we may not make contact with people gathered outside the gates of the Court, waiting for us so anxiously. And we are anxious too—where shall we be kept? Shall we go back to our friends in Johannesburg, or shall we be isolated in Pretoria Gaol?

Meanwhile, the Court Sergeant helps us out by sending policemen to buy cigarettes and personal necessities for us. We have consulta-

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tions with our Counsel, and begin to get a clearer idea of these Emergency Regulations—they will certainly be no weekend affair!

Instead of having our usual friendly lunch under the trees in the garden of our hospitable friend, the Reverend Mark Nye, we think sadly of this courageous priest—who also is held prisoner, torn from his family, somewhere in Pretoria. Then we see Mrs Nye herself, and little four-year-old David trotting beside her, proudly carrying plates for us, and once again we have our picnic lunch, but this time in the shed. I look at little David and wonder angrily when he will see his father again. After how many weeks or months? He does not know what has happened, but he will soon ask. How shall a little boy of four understand? And his mother, so gentle and shy, with her young face and the dramatic white hair—now she is left alone. Yet she still brings our lunch with a cheerful smile, although we may not speak to her.

The Sergeant comes to tell me that it is my 'right' to ask for separate 'white' transport to the gaol. I assure him that I don't wish to exercise that right and he goes away satisfied. After that it is only a short while before the prison van comes and we learn with misgiving that we must go to Pretoria Central Gaol—but we still think it is only for one night; we clamber in with our bags and baggage and seat ourselves as best we may; there is not enough room for all to be seated.

In one corner is Chief Luthuli—we had been shocked and grieved to hear in Court that he was so unwell. His blood pressure is very high and we are all anxious, remembering his serious illness in 1955. We know that he will be in the prison hospital, but our Chief is no longer young and he needs proper care—we don't have much faith in gaol hospitals! It was with horror and anger that we had heard that he had been assaulted by a prison warder, after he was arrested—Chief Luthuli whom the whole world knows and respects.

When we get to Pretoria Gaol, the men climb out singing loudly and waving cheerfully to us, and Lilian and I are left sitting disconsolately in the now empty van. Out of the main road and into the prison grounds and we stop before the door of the forbidding women's gaol. Then we are inside and standing before the Matron, tall and trim in her uniform. We are given just what we require for the night, and I am not allowed to keep my suitcase. We go, Lilian and I, to another office where we stand for some time before

the two young wardresses condescend to take any notice of us. Then our names are entered once again and Lilian is asked if she is Coloured. She replies that she is an African, to which one wardress retorts angrily, '*Jy is n Bantoe!*' I see Lilian close her lips firmly. The younger wardress repeats 'African' under her breath and sniggers. Then to our horror the wardress snaps out at Lilian '*Trek uit!*' We are paralysed and the order is repeated in English, 'Take your clothes off!' I say firmly 'We were given to understand that this would *not* be required.'

The wardress, a bit taken aback, says she will ask Matron (a phrase I am to hear so often in the future, and when Matron is flooded, she will say 'I'll ask the Colonel.') She goes out of the office for ten minutes and when she returns nothing more is said about Lilian having to strip naked. Now we are taken to our cells and to our amazement we are led up the stairs together to the cell dormitory—here in this land of Apartheid, the European and the African are on the same floor!

I look around my cell—it has a black stone polished floor; it's about ten feet by six; up to about four feet the walls are painted a dingy pinky-orange and from there up to the top, about eight feet, a deep cream. So this is the pastel-painted cell that I once read about in a newspaper! The open top is covered by a formidable wire netting, and there is no window except a small corner of one, seven feet up. It is, in fact, a cage. There is a bed—and, unbelievably, a pink coverlet and sheets. In a corner there is a built-in iron strip, holding an enamel jug but no basin, with beneath it a covered enamel bucket, and I recognize the 'po' of the day in the Fort. Shortly after three o'clock a wardress unlocks the door and takes me to the toilet and the bath. More shocks, for the toilets have no doors and the wardress remains. Then to the bath—a half door only and the wardress stands outside—there is no plug to the bath. I have a quick sluice down and get dressed again and am taken back to my cell.

Now the voices begin—the voices which will become so much a part of my life from now on. For the African women around me begin to talk to each other across the open tops of the cells. I can't understand what they are saying but I listen almost in amazement to those gay lilting voices—there is no sadness, no despondency, only a cheerful comradeship.

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Then suddenly comes an ear-splitting yell from a wardress, '*Moenie so raas nie!*'* and '*Hou jou bloody bek!*'† It echoes and reverberates right through the cells, with its shuddering brutality. I remember the screaming young wardress of the afternoon who bellowed at a meek, crouching African prisoner, '*Bugger af, jy!*' The voice is the same and it belongs to a tall fair girl, surely not more than twenty. Is this the inevitable effect of prison power and bullying authority on these young girls who walk around with yard-long ugly straps dangling from their wrists, hitched to their jangling keys? The African voices die down with—unbelievably—a few giggles, and start up again a little later. I cannot distinguish the voices but I listen carefully for Lilian's and once or twice I think that I hear it. It becomes dark outside but there is no darkness in my cell for the naked bulb still flares and high up in the roof is another bulb which shines almost directly through the wire netting ceiling. Gradually the chattering voices die down and I hear them begin to sing hymns in the African language, in exquisite harmony. Can these women be criminals? Are they not the victims of our cruel society with its hate-ridden Apartheid? I don't know what their crimes are and I don't suppose I shall ever know, but they have warm voices, the voices of women and mothers.

Now my cell light goes out, but the light overhead shines fiercely into my cell. I cover my head and try to sleep but it is not easy for the mattress is hard lumpy coir and so is the little pillow.

FRIDAY, APRIL 1ST 1919. By 6.30 I am awake and my cell light has been switched on. When the door is opened, it is only for a bowl of porridge to be handed in, and a portion of dark brown bread and a mug of coffee. I drink the coffee but cannot face the rest. Then I am rushed off again through the long corridors to the ablution block where I have time only to wash my face and hands, and back again to the cell. At eight o'clock I am taken to the office with Lilian—and we insist on taking the suitcase which has now become a joint one, for we are so hopeful that we shall not be coming back here again. Before we leave we are fingerprinted.

Out of the gate and into a van and down the road we swing

* 'Stop shouting!'

† 'Shut your bloody mouth!'

to the main gaol where we pick up our fellow accused. Twenty-nine of us, for we are *all* detained now, and off we go singing gaily again, to the Synagogue, our Special Court, which we used to hate the sight of but which we now long for, for it brings us together again, and in touch with the world outside.

We have a long consultation with our lawyers on the pros and cons of an adjournment of the trial until after the Emergency Regulations, or whether our counsel should withdraw altogether. We are also warned to expect police interrogation. Discussing amongst ourselves—crowded at the far end of the shed—we decide that no matter what the consequences to our case of the inability of Defence witnesses to give their full evidence, we want the trial to go on, for at all costs we want to keep in touch with each other and with the outside world, even in the limited sphere of coming to Court.

The Court resumes as the judges file in, and then Advocate de Vos begins speaking. He is a QC from the Cape who has won his spurs as one of the Government Counsel in the notorious High Court of Parliament Case. We study the handsome profile turned so carelessly towards us. He seemed confident, even lighthearted in the days before the burden of the case pressed so heavily on his shoulders after Pirow's death, before he became the Crown authority on Communism. But he has taken almost no part in the legal arguments until now.

He states that the Attorney General has given the matter full consideration and that it is the Crown's view that the case should proceed as an ordinary criminal trial, and that there should be no adjournment or postponement. The Crown would co-operate fully in making practical arrangements for consultation and precognition of the accused. Judge Rumpff comments somewhat tartly that the real difficulty lies with the Defence witnesses—can they speak as freely now as before the Emergency Regulations?

Advocate de Vos replies that similar regulations were promulgated during the war and the point had never arisen then that criminal proceedings might be stultified thereby—if it were to be so, there could be no trials at all for treason during periods of emergency regulations. It would be the legal duty of a witness to give correct information to the Court. When it is pointed out by Mr Justice Rumpff that this might result in a witness himself being detained without trial, Advocate de Vos replies that there is no

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legal difference in the position since the promulgation of the Emergency Regulations!

After even more severe questioning by the Judges Advocate de Vos takes refuge again in the last war and refers to the possibility of internment at that time. (My heart sinks a little—internment sounds much more 'long term' than detention. It can go on for years.) Mr Justice Rumpff asks caustically what is the use of going on referring to the last war, which was in no way analogous to the present situation.

When Advocate de Vos peters out with the plea that he cannot take the matter any further, Mr Justice Rumpff gives the decision of the Court that Defence witnesses will *not* be able to speak as freely and as frankly as if there were no Emergency Regulations, and that it is not inconceivable that in the present circumstances a witness might even say something not in the public interest. The present matter seems to be quite different from the possibility of internment during the war, and finally the Court feels that the trial should not be held in camera, and has come to the conclusion that the trial should not proceed and should be adjourned. In order to give time for the Attorney General to consult the Minister it is agreed that the trial be adjourned until Tuesday, April 19th.

We gasp a little at the lengthy adjournment—nineteen days and Easter in gaol! But there is no help for it. Out to the courtyard again and now clothes pour in for the men and I see some of the wives, Winnie Mandela, Albertina Sisulu and others with them. The men change hastily in the shed and emerge looking smart and refreshed—those who are lucky enough to have clothes brought to them. Mrs Pillay is outside, our beloved Mrs Pillay, who has never failed to bring us coffee at the morning break for all these long weeks of the trial—but the coffee is brought in by policemen, for she may not enter herself.

All too soon, we are called up for the prison van; we have been told by our lawyers that we must go back to the Pretoria Gaol now and they will try to get us brought back to Johannesburg as soon as possible. So with this small comfort we climb in again and the last face I see is Mrs Pillay's as she stands by the gate, apart from all others, grief-stricken and desolate, a bronze statue in her brown sari. I wave to her but she cannot manage a smile. She loves us dearly and has been like a mother to us.

Back to the gaol and this time our men shake hands with us a little formally in farewell as they climb out, for we shall not see each other again for nineteen long days.

In the Matron's office, we pack our things away again very reluctantly, Lilian and I, in our common suitcase, and hand over our cash. I plead with the Matron to be allowed to be with Hannah Stanton, the missionary whom I think is also detained here, but to no avail; the Colonel has ruled otherwise. I am still not allowed to have my suitcase—only necessities, and then I gather from Matron that we are to be locked up *all the time* for nineteen days. I almost break down with horror; the tears come into my eyes. Matron is not unkind and suggests I smoke a cigarette, which I light up gratefully, and after a few puffs, I regain control and off we go, Lilian and I, to our cells again.

When I am locked in again, the full horror of it comes home—to be confined in this cell for twenty-four hours a day for nineteen days—it is solitary confinement. When we were all together in the Fort Gaol, three-and-a-half years ago on our arrest for high treason, Yetta, Sonia, Ruth, Jackie, Dorothy and I agreed that each of us could have one 'zero hour' for weeping during our imprisonment—to be taken at any time. I take mine this time on this Friday afternoon! But it does not last for very long; I am tired after these three days of strain and change, and I fall asleep soon after the women prisoners around me have sung their evening hymns and prayed together.

SATURDAY, APRIL 2ND. The main event of this day was a visit from the Colonel. I complained that I was wrongfully confined in terms of the Regulations, which provide only for detention; *confinement*, up to a maximum of thirty days, could be imposed only as a penalty for actual infringement of any of the Regulations. It didn't get me very far; he just told me that his instructions were to keep me in safe custody! However, he did inform me, when I asked to see a legal representative, that this question had gone before a judge and after two or three days we would get a decision. The Colonel has a weatherbeaten, not unkindly, face, and betrays an unexpected spark of humanity at times, even a twinkle in his eye.

During the morning I got into trouble over my inability to consume large hunks of bread. I rashly pointed out that as I had fruit

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etc sent in to me, I could not eat both that and the bread. Half an hour later I was told that I had better eat the bread as the Colonel had stopped *all* food coming in from outside. After that knock, I felt not much more could happen to me, and looked sadly at the remainder of the packet of sweets that had come the day before. There were exactly sixteen left—and there were sixteen more days to go before April 19th—so I decided to eat one every day. I still had an apple and a banana left so I set aside the banana for the next day, Sunday, and the apple for the following Sunday—calculating that I should not need solace on the third Sunday because by then we would be going to Court within two days.

In the afternoon I asked for exercise and after much palaver was escorted to a yard with a tree in the middle of a circular garden—dry brown grass, uncared for, and a few rose trees in the bed on the outside of the circle. But the tree is a tall palm tree with a few ferns growing on the trunk, and I was reminded of my little Norwood garden and all the ferns growing on *my* huge palm tree. I was only there for about ten minutes and then it was time for me to go back to my cell.

Today Lilian has called to me across the top of the cells—she has no bed and only a mat on the floor and a bucket of water, which she says is stinking. I feel so embarrassed because I have a bed and sheets and a pillow and I remember unhappily Lilian's bitter comment as we rode to the gaol—'You are better off with your pink skin!' But here in gaol there is nothing I can do about it, for I cannot find ways of expiating this 'pink skin', as I can outside. She tells me that the other African women are forbidden to speak to her, but they do sometimes, for among the voices I recognize Lilian's every now and again. And so the day goes by. I make myself walk up and down my cell and I force myself to do exercises. At least I can have a book almost every day from the gaol library which will help the time to pass.

MONDAY, APRIL 4TH. I have been moved to another cell, an improvement on the last for it is not just at the head of the stairs, from which all sounds, particularly the yelling of the *nonnas**, used to rise up and spread over our cells as though through a great megaphone,

* Wardresses are called *Nonna* by non-European prisoners.

crashing the sound barrier of the rafters with a resounding, ear-splitting din. And I now have two-fifths of a window instead of only a small corner, so I can really see the sun and the sky, even if only through the double wire mesh and dirty window panes. The sun came into my cell this morning. Best of all, I am away from the fierce light in the roof, so that even though my cell is never dark I am spared that blinding glare.

When we were having our lunch-hour chat over the cells today, Lilian asked me what I had for lunch. I was so ashamed to say that I had some meat and potato in my bowl, for I knew she had no meat—only porridge. Again I heard her bitter comment, 'You are better off', and the only reply I could make was that she at least could join in the conversation around her, whereas I was likely to lose my voice altogether for lack of use.

TUESDAY, APRIL 5TH. The Colonel informed me today that he had received instructions that we can receive a visit from our next-of-kin to discuss domestic matters only, and in the presence of a detective.

In the afternoon I got a bag of chocolate slabs and other things, so realize that the ban on food had also been lifted. Things are looking up! I ask if I can share the chocolate with Lilian, but this is refused.

WEDNESDAY, APRIL 6TH—VAN RIEBEEK'S DAY. The dullest of dull days! The only change from routine was that I did not get taken for a bath, so did not even get out of my cell for that exciting walk downstairs and back. Lilian reminds me that we have always planned to have a picnic together one day under the trees—I tell her we have been planning this picnic now for five years and we laugh and say we will have it on the very first Sunday that we are free. We talk a little over our cells and she tells me she has heard that there are some other women here from Pretoria, charged with burning passes. So we feel that something is going on outside.

THURSDAY, APRIL 7TH. The first touch with the outside world. Just after 2 pm the door of my cell was opened and a young wardress said 'Kom! Kom!' (one of the most welcome words in the prison vocabulary, for at least you go out of your cell, even if it is only to

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get a bath.) I grabbed my jacket and went down to the Matron's office where I found the Colonel himself—and sitting demurely on a chair one of my dearest friends.

We were taken off to a large room with square tables, at one of which I recognized the sweet-faced Miss Stanton from the mission hospital in the Lady Selborne Location, and at last I knew for sure who was the other White woman detained here like myself. She was talking to her brother, a cassocked priest. There was also a Special Branch detective in attendance, but we were at least allowed to sit at separate tables. We had just fifteen minutes with our visitors and there was so much to arrange about my house, standing so forlornly empty, that the fifteen minutes were up before I could get round to office affairs at all, or do more than ask for a Shakespeare, my Jane Austens and an Afrikaans dictionary.

All I look forward to now is April 19th and going to Court, and getting some news and seeing the others again. When the women sang tonight they sang *Nkosi Sikelele** as one of their hymns—it was very moving, and they sang it most beautifully.

FRIDAY, APRIL 8TH. Today is my birthday. Pretoria Central is a strange place to celebrate one's birthday. I was thinking this morning of how Sonia had her birthday in the Fort in December 1919, and Rebecca sent her in some roses and pansies and how that reduced us all to a moment of tears so unexpectedly. Well, it hardly seems likely that I shall be receiving flowers in the Pretoria Central Gaol, but I have had a parcel: a stupendous parcel of tinned meats, chocolates, biscuits, liver sausage, spaghetti and heaven knows what. The only difficulty is that I am not allowed to share any of it with Lilian and this makes me feel embarrassed and even unwilling to take any of it myself. But Mrs Wessels, our kindhearted little wardress, insisted that I have some liver sausage and brought it to me with such pleasure that I could not refuse.

And then, during the morning, the Colonel came on his rounds with Matron and solemnly handed me a mug of little golden marigolds and button dahlias! It was from Miss Stanton, my fellow detainee. And also three Penguin books. I was so overcome that I blurted out that it was my birthday, and the Colonel solemnly

* The National Anthem of the African people.

wished me many happy birthdays—‘but not in this place!’ said he. It all seemed a bit unreal for the Central Gaol.

I feel so ashamed that I have a bed and get meat with my food, while Lilian has only a mat and blankets and gets mealie pap and boiled mealies. It is really terrible to be right in the midst of all these African women and to be better off. She says too, that when she goes to bath it is in an ‘open place’ with a stable door. I am not quite sure what she means, but it is certainly far worse than the ablution block where I go, despite its open toilets and half-door to the bathrooms. There are baths, even sometimes with plugs—and the little wardress Mrs Wessels, who is in charge of us, is delicate and considerate and waits outside the block till I am finished.

This morning for the first time for a week, I was allowed back into the yard with the tree for exercise. I walked for about ten minutes after my bath—it was good to get out again. I wonder how the men are faring. Robert said they were five in a cell; if that is so it won’t be too bad. I hope they have not been split up into separate cells. I hardly think so, as there are so many of them.

MONDAY, APRIL 11TH. When the Colonel and Matron came on their rounds, I was told that we can now write and receive one letter a week. Also that I can now have a small mirror, a table and a chair. So after the stocktaking upheaval was over, the goods duly arrived and transformed my cell into a bed-sitting room. But I still have no wash basin. I told little Mrs Wessels that all I needed was a carpet for the floor and some curtains for the window. She said ‘Where’s the window?’ and then whispered softly, ‘It won’t be for long!’ But I don’t really think anyone knows anything—she is gentle and kind and wants to be comforting.

Lilian was sad and disappointed that she did not have a visit from her daughter Edith—she is worried about Edith’s condition because she is three months pregnant and is not very strong. Poor Edith came twice since we have been here, but before we were allowed visitors, and I suppose she did not get the message that she should be here today. I only hope she does not come tomorrow for the detectives will not be here then, so she will not be able to see Lilian.

At two o’clock I was called to the office again to find Advocate Tony O’Dowd of the Treason Trial Defence team and the inevitable detective and Matron at the doorway. This was to ask my wishes as

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to whether, if we eventually have any choice, I wish the trial to proceed during the Emergency. I said 'Yes' and also that I would leave it entirely to the Defence as to whether I should be called as a witness.

When I thought of this interview afterwards I felt very angry: is *this* what Advocate de Vos calls 'full facilities for consultation'? With a detective *and* the Matron listening to every word—what can I be expected to say? And why should the police know at this stage whether we (or which of us) want the trial to go on now or not? If we all say we want it to go on it may well stiffen the police and the Court into objecting. On April 1st it did not appear as though the Crown wanted to go on—but who knows what has happened meanwhile? Please God we shall get some news all round on the 19th.

TUESDAY, APRIL 12TH. A quiet day but I have written my letter—the first of how many? Lilian is more cheerful and more like herself today—she says she feels better and can accept her present circumstances—it is all in the struggle. By common agreement lunch-time is reserved by the other prisoners for Lilian and me to talk, because only at that time is there no one to listen to us talking in English. We spoke today of our fellow accused from Port Elizabeth and how desperate their situation is, a thousand miles from their families and no one to visit them.

Lilian says now, 'We are better off, for people can come to see us' and she is torn even at the thought that we might possibly go back to Johannesburg if the trial is postponed, for much as she wants to go, to be nearer her family, and perhaps to be with the other African women detainees from Johannesburg, yet she is unhappy because it will mean leaving Rebecca, the African woman detainee from Lady Selborne, alone here. But who knows what will happen on April 19th?

THURSDAY, APRIL 14TH. Just as I thought I would write a record of 'A day in the Life of a Detainee!' it has undergone a stupendous change. For I am now to spend two hours in the morning and an hour in the afternoon with Miss Stanton, out in the yard—which I now acknowledge as a kind of garden. It has changed my existence completely and I have only one regret—that Lilian and Rebecca have not got the same privilege so far.

Lilian was so unhappy today because she had heard that there were people to see her and they were turned away because it was not the right day for the detainees. Last week we were told it would be twice a week, Mondays *and* Thursdays, and then that it would only be on Mondays, but Lilian had no visitor on Monday when the arrangements were altered. I do hope it was not her daughter Edith who came today—for that would be the third time she was turned away.

Tonight some new African detainees have been moved into the cell next to me, and one of them has a child. It is strange to hear a child gurgle and laugh in this desolate place.

Miss Stanton whispered to me today that she had heard that Dr Verwoerd had been shot at, and injured in the face. Truly we are isolated here—we know *nothing* and cannot even imagine what is going on outside. But only four more days and I shall be at Court and get real news again.

APRIL 15TH, 'AFRIKA DAY'. Lilian was distressed and angry at lunch-time. Edith *did* come yesterday and was turned away without seeing her mother. Lilian has been most unfortunate with her visitors and has suffered severe disappointments. I only hope that Edith comes to Court on Tuesday—if she can, and has money for her fare.

This afternoon the women sang *Nkosi Sikelele* again—very softly—so we did have a celebration of Afrika Day even here.

SATURDAY, APRIL 16TH. I had only a few words with Lilian today, she said 'Things are not the same!' but I don't know what she meant. She was very happy at having received a letter from her daughter Edith—after three fruitless visits to the gaol. During the afternoon there was much shuffle and bustle going on in our cells and at first I thought it meant more detainees were coming in and listened most anxiously to see if I could recognize voices. However, it turned out to be an internal shift. The African women were moved downstairs while we were out walking in the yard. It is so quiet up here that I believe Lilian has gone downstairs, too.

EASTER SUNDAY, APRIL 17TH. It is so quiet here now, I am all alone in these fourteen dark cells and I miss the gay clatter and chatter

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almost unbearably. Everyone else has been moved downstairs and I am left solitary up in the rafters. Miss Stanton is a little distance away in her cell in the tower—like the Lady of Shalott. But she does at least have a room with a view. Lilian is also downstairs but I am told that she is not alone any more, so I suppose she is with Rebecca and the African women from Zeerust.

‘Sunday, day of Blues!’ I once heard one of the African prisoners say. I think I’ve got them today—it is this isolation. Thank Heaven for the two or three hours a day with Miss Stanton.

How does the time pass? I read, do crossword puzzles, walk up and down the cell, or lie on the bed. I can add to the diet if I wish, but beyond a few biscuits and some jam, I really don’t have much interest in the food. How long will this go on? Who knows? It is very quiet without the African women in the other cells and I miss my daily talks with Lilian—but on Tuesday I shall see her! And after that? I wish I knew.

THE ACCUSED TAKE OVER

TUESDAY, APRIL 19TH. At last the accused have met again! How exciting it was—the first sight of Lilian and the small secret glances and whispers as we stood together in the reception office of the Women's Gaol on our way to Court at last. We didn't dare to speak very much but at least we were allowed to stand together and after more than half an hour I was allowed to sit. I looked uneasily at Lilian but she smiled and I sat on a chair and then she stood behind me and could lean on it. She whispered that she would rather do this than be in the cell. And then at last the van came, and breathless with excitement we climbed into it. Down to the Court we went; but we were first taken to the Magistrate's Court where we were separated again and I was put into a dark cell. I was there for almost an hour but I had a book and cigarettes and I walked up and down; it was much bigger than my cell. It seemed to be twenty paces by twelve and I could really tramp up and down. I kept thinking I could hear voices—I think I heard Robbie, Nelson and Pat, but I am not really sure. It was very dark in this cell, only one naked bulb in the roof and a little daylight from some high-up windows, looking out on a yard. It was good to have my handbag again after three weeks. I made up my face, combed my hair, and retied my scarf a dozen times for the reunion with my friends.

At last I heard keys rattle and the door opened and Lilian and I were taken to the familiar Special Court, the Old Synagogue, where we have already spent nearly two years on the treason trial. To keep us from the public eye we were driven to the back gate of our yard with its covered shed at the end. We burst in and there were all the other accused, already in conference with Advocate Kentridge and Attorney Michael Parkington. It was a great moment. As we were

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greeted by all the men, the dreadful days between our parting three weeks ago and this joyous reunion fell into nothingness behind me. They are over and will not come again.

We clustered round the lawyers who could hardly believe that Leon, Lilian and I have been and are still in 'isolation', for this has been denied outside. The accused all look thinner, but fit, and I learnt that they have been doing strenuous exercises under Nelson Mandela and Philemon Mathole. They are five in a cell, with appalling food, only rough sleeping mats and blankets, but they are glad to be together, even if crowded. And they have nearly all grown beards. Kathrada leads the way with a magnificent growth, which makes him look like a Pathan. Mosey's curling elegance turns him into a Basque from the South of France, and even Stanley and Farid have produced fuzzy growths, but theirs just make them look tough. We scraped some money together and ordered tea and scones from the café, and the policeman went to see about it. We did not realize that this would become the order of the day in more ways than one. It may have been just café tea and coffee, but it was nectar to us after the tasteless brews of the gaols.

From Robert Resha I learnt of the disgraceful conditions in which the African and Indian detainees are kept—conditions which make me realize once again, that whatever injustices, whatever hardships a White prisoner or detainee may have to endure, it fades into insignificance beside the treatment of non-Whites. This is what Robert experienced.

'After the doors of the gaol were closed behind us it became clear to all of us that Pretoria Gaol was different from the gaols we have visited in the course of one of our struggles in this country. It was enough for one of us to make a quiet murmur to attract the attention of a fierce-looking bearded European warder who indicated that there must be no talk. This same warder had told my colleague Simon Tyeki the previous night in Zulu, "*Uyabethwa umntu apha!*" (Men are being assaulted here.)

'After the formalities of fingerprinting, we entered the corridor of the gaol, moving fast and in front of the warders who punctuated our steps with "*Kom, kom, jong! toe!*" (Come on, come on! Shut up there!) [There is no adequate translation of *jong*—its literal meaning is "young (man)" but throughout South Africa it is used

frequently to non-European men by Whites, and then implies racial contempt to the utmost degree.]

'On the floor along the corridor wall there were dirty, rusty dishes containing cold and stale porridge. This was supposed to be our meal for the night although it was only 3.15 pm.

'We were herded five into a cell not more than six feet by twelve. Unlike in Newlands, where there was flush sewerage of sorts, here that was regarded as too modern for non-White prisoners. Instead there was a covered bucket for five men, emptied twice a day; our drinking water, another covered bucket, stood next to the stinking sanitary bucket. Again no toilet paper, and blankets and mats as lice and bug ridden as in Newlands.

'Evening food was boiled mealies and for breakfast and lunch mealie pap with a few hard beans thrown on top for lunch, and very occasionally a small piece of meat—if you can call gristle and fat, meat! We were kept without exercise, never getting out of our cells, until we began to protest, but for the first ten days never getting out at all. For the second nine days we were given fifteen, ten or five minutes, depending on the mood of the warder in charge, just to walk in the corridor.

'What about a bath? We had to be acclimatized to this gaol for ten days before we could put our heads under a shower. I have seen people in a swimming bath for the best part of a day but I have not seen people stay so long under a cold shower—I doubt if a duck could do it. Washing with a piece of coarse blue soap—I doubt if half the ten days' dirt was taken off.

'These nineteen days saw a hard struggle for improvement of the conditions. For three days we tried to find out from a warder what were the regulations under which we were kept, whether we were ordinary prisoners or were being treated under different regulations. They plainly told us they did not know. An officer of the gaol came but had no time for us, just walking past every cell, without asking any questions and without hearing any complaint.

'First of all we called for the superintendent, but in vain. Then we wrote a memorandum to him wanting to know our rights and our status, and when we threatened the warders that we would bring this up in Court, an officer came after two or three days.

'My colleague, Mandela, who by this time was elected the spokesman of all the detainees, spoke to the officer, wanting a reply to our

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memorandum, and also complained about the type of food we got and the general conditions. Mandela said that although the treatment was bad in the Johannesburg gaol, the warders and the authorities of that gaol at least behaved like human beings. The officer threatened my colleague with immediate and summary imprisonment if he made that remark again.

'A few days after that I complained about the same conditions, for by that time I was elected the spokesman of my cell.

'I had virtually to recite to my cell the questions I was going to put to the officer. By the time I actually spoke to him, tempers were running high with every detainee on his hoofs, and complaints coming from almost every cell. We managed to get some concessions. For the first time we were told that we could get half an hour exercise in the morning and half an hour in the afternoon. When I said that the food we get would hardly give an appetite to pigs, I was told, "You must not say that to me, you must speak as a responsible person, but I will attend to your complaints."

'It was very clear from his expression and his demeanour that this was the first time this officer had ever been thus addressed by a "native" let alone an African prisoner! He denied abruptly that he had received any memorandum. Mandela started explaining our difficulties, to the tune of his constant interruptions, "That's a lie!" This was indeed also the rejoinder to the complaints of bugs. "That's a lie!" he bellows, "Show us one!" Mandela was ready to look in the blankets there and then to produce one, but his offer was rejected. Mandela then pointed out that for our case, we needed opportunity to read and study documents and that the Court stressed this. "That's a lie!" shouted the officer, "Government regulations don't require you prisoners to read books." Losing his temper Mandela matched his abusive manner, whereupon there was a threat to deal with him under the Emergency Regulations and have him locked up. But no threat is enough to subdue Nelson Mandela, slow speaking, arrogant, tall, a well-built amateur boxer. He had his say and using well-chosen but cutting expressions, he narrated the conditions under which all prisoners suffer.

'Mandela had his say and stated the dishes were dirty and rusty and the blankets were stinking, that we had no exercise and our health would suffer. He asked to know our status, were we waiting-trial prisoners, or convicts? To this the officer retorted that we

were not entitled to that knowledge and we remained statusless. He departed with the grudging concession wrung from him that he would see about some of our complaints.

‘Three days later came Colonel Snyman, the Superintendent of all the gaols, who treated us with the first semblance of courtesy since the day we were arrested, and actually brought some changes.’

We exchanged scraps of news eagerly and learnt that nearly 2,000 people all over the country are in gaol, including some ninety Europeans. The total staggers us. We filed into Court and there was further argument on whether the trial should or should not go on. The Crown said that it is prepared to approach the Minister for assurances to protect our witnesses from victimization under the Emergency Regulations, and Advocate Kentridge dealt contemptuously with the proposals, pointing out that he cannot assume that his clients will accept such assurances.

‘My Lord, one must remember also that there is nothing sacrosanct about the Minister of Justice. One remembers what has happened previously in this very Court in connection with the Minister of Justice. But as far as my clients are concerned, My Lord, I am afraid that—or witnesses for that matter—we cannot assume that they will simply accept an assurance. They may want to know a little more about it. They may want to have that assurance in a particular form.

‘After all, My Lords, if one considers certain things which have recently been said by the Minister about the African National Congress, my clients and other members of the African National Congress obviously do not accept his *bona fides*. It is not a matter we can discuss here, who is right or who is wrong.’

The trial is adjourned again for another week, to April 26th, but we don’t mind so much now, for we have met each other again, and the week ahead seems nothing by comparison. Back to the gaol again at lunch time and even the forbidding gate had lost its horror. I feel quite in touch with the world after my visit to the great outside and to Court. Hannah has also given me some red gladioli and red carnations for my cell and it looks quite cheerful. I have even

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become used to the gaol food and eat it all up with jam and sweets and biscuits to help out.

THURSDAY, APRIL 21ST. Early in the afternoon my cell door was opened and I was told to take out my things and to my joy the move began into Hannah's cell. We arranged our new home, our little house, and there was just room for our two narrow beds, two lockers and Hannah's table and two chairs, even though we do have to move the chairs about when we have to move ourselves. I am delighted to find that by standing on my bed, I can just see out of the window, and can actually see right across Pretoria. It's a Room with a View. Our mattresses are indeed a sorry pair; Hannah's is almost as lumpy and urine-stained as mine, but we quickly cover the revolting sight with sheets and blankets. The time goes quickly now, and it's all exciting because we are no longer alone. Even our food tastes better when we eat it together.

At 4 pm we eat our bread and soup and at eight o'clock we have a supper snack, just before the lights go out. We feel rather like middle-aged schoolgirls at a midnight feast—and then, out go the lights. Next day we get up early and find to our delight that the enforced intimacy embarrasses us not one whit as we dress and wash in this cramped space.

Hannah prays morning and evening, devout and sincere and unselfish. She doesn't realize how much she inspires me by her own lovely, brave, patient, controlled example. I knew that I might have to face gaol—have always known it. I've been there before. I await the end of the treason trial. But Hannah, the missionary, how much of all this did she expect? A gentle Christian, moved by injustice, now shut up in gaol for an indefinite period. I know that the United Kingdom High Commissioner is moving heaven and earth on her behalf, but it doesn't seem possible that she can be released at this stage. And she doesn't *want* to be released, to be different just because she is Hannah Stanton.

We walk in the yard and look at the little stocks, so newly planted, and I say hopefully, 'Hannah, we shall not see these in flower.' Now there is the new Matron, big, dark hair brushed back to a severe chignon, with incongruous little dangling golden ear-rings on either side of that heavy face; she looks a real 'Tannie'. Tall and massive, how she shouts! But yet she is toughly, uncouthly kind to us, and

has an almost sentimental affection for the gaol babies we sometimes see, strapped to their prisoner mothers' backs, or staggering their first few steps. The wardresses continue to shout and roar, too, but now that we are alone in our eyrie under the roof, and all the other prisoners have been taken to cells downstairs, the shouting is becoming more remote, except when it is directed to us and a bellowing voice screams to us to be quiet, we are 'disturbing the other prisoners'!

APRIL 26TH. Back to Court again. I wave good-bye to Hannah and go down to Lilian and the long wait in the reception office. This is so much a pattern of gaol life, this endless and unnecessary waiting in offices. It isn't that the van is late, it is just the pattern to bring prisoners down long ahead, even though we clutter up the reception office and are mightily in the way. However, it is quite good to be here when prisoners are being discharged; a rough good humour prevails and the suppressed joy of the women who are going is wonderful to behold. It makes one realize that prisoners *do* go home in the end, and that is important to our morale, too. I love to see them go. Their faces are smiling and they are so eager when they take their bags with their belongings and their clothes. They must dress in the reception office, for privacy is never accorded to non-European prisoners, and I never became accustomed to the indelicacy and indignity of this treatment. But suddenly the woman who a moment ago was just a prisoner in a brown shapeless overall, is a person in her own dress again, crumpled maybe, but it is her own dress. The lock-up bag is opened and the ear-rings and rings are sorted out and given back. Lilian and I try to whisper to the outgoing women, and if they are going to Johannesburg Lilian tries to send a message to her family. We don't know if the message ever gets there, but at least it makes us feel a bit in touch again. 'God bless you!' they whisper to us as we go at last to our transport.

At Court there have been more consultations with the lawyers and they told us that the Minister has published an amendment to the Emergency Regulations, embodying a protection for Defence witnesses. We have authorized the lawyers to say that we are not prepared to accept the Minister's assurances. Judge Rumpff gave his judgement, ruling that in view of the amendment, the trial can now go on. He brushed aside Advocate Maisels' statement: 'We are

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prepared to face a charge of high treason in a Court of Law, where the proper procedure and the facilities are available for a person to defend himself. That, My Lord, is far removed from administrative action under the Emergency Regulations.'

The Court adjourned again and the accused took the decision to dispense with Counsel in view of the difficulties arising from our detention and the Emergency. Advocate Mokwe, Accused Number Sixteen, made a dramatic announcement: 'The accused feel, Your Lordships, that under the circumstances they cannot place their defence properly before the Court, they are in doubt whether they will be able to call the witnesses they would like to call in this case, they feel that if these witnesses are called, they doubt whether they would freely express the points of view which the accused would like this Court to have the benefit of, and they also feel concerned with the question of exposing other people to the Emergency Regulations, because speaking for ourselves and the accused generally, Your Lordships, we do not accept the *bona fides* of the Minister of Justice. We are further aware, Your Lordships, of the great practical difficulties which have been placed before the conduct of this case with regard to consultations, and these have arisen mainly because of the application of the Emergency Regulations. In all the circumstances, therefore Your Lordships, we feel that it will be profitless to continue spending public money in conducting and defending this case. Those are the views I have been asked to express on behalf of the accused.'

Mr Maisels addressed his final remark to the Court: 'We have no further mandate and we will consequently not trouble Your Lordships any further.' All our Counsel walked out and we were alone. It was a tense moment. The Court seemed stunned. But that did not last long and soon the treason trial was on again, Judge Rumpff carrying on as though nothing had happened.

This time, as usual, it was impossible to tell what he felt about this latest development. Chief Luthuli was called back into the witness box and Advocate Trengove continued the cross-examination. Until the opening of the trial itself, we had been introduced to Advocate Trengove only through his back view, for he sat directly in front of us during the argument on the indictment. From the very outset we have felt an antipathy towards this Crown Prosecutor, which grew and deepened. Other Crown Counsel pale into in-

significance beside Trengove, the mantle of Pirow has fallen on his shoulders as far as we are concerned; to us he is Enemy Number One. Short, baldheaded, he fights a determined battle. His attack on the integrity of Chief Luthuli arouses anger amongst us, which mounts high when we are in the witness box.

I have often gazed at the Presiding Judge, Franz Lourens Herman Rumpff, trying to fathom what he is thinking. We have all watched him very closely throughout the trial, which he dominates, but he has remained an enigma. From the outset it has been clear that he is a man of brilliant intellect and swift grasp, well aware of the South African political scene. He has impassive, chiselled features and a rigid economy of expression, broken rarely by a smile of great charm as he addresses Counsel. We have watched him when the Nationalist Government comes under fire in the course of evidence, we have watched him when the intolerable conditions in South Africa are discussed, we have watched him when application was made for his own recusal. It seemed on those occasions that he passed into a state of suspended animation; he hardly seemed to breathe, so rigid was his control. Only his eyes would move, but his head would not turn, and his hands became motionless except for making an occasional note.

Some of the accused appeared before Judge Rumpff five years previously, after the Defiance Campaign, and were sentenced by him to nine months' imprisonment, suspended for three years. It was he who, as an advocate, defended Oswald Pirow, QC, the leader of our Prosecution, when in 1947 he was charged with incitement to public violence.

Mr Justice Kennedy sits on his right. He had formerly been a judge of the Natal Native High Court, and was transferred to the Natal Supreme Court Division when the Native High Court was abolished. To us he had been, at first, the judge who sentenced twenty-two Africans to death in the Bergville trial. They were hanged, all except one, on a day when we were still in the Drill Hall, and we fasted the whole day in demonstration against this mass hanging. We look at this judge curiously, and at Mr Justice Bekker who replaced Judge Ludorf. They display some interest in us and we wonder what thoughts go through their minds as they gaze down upon this motley collection of human beings, alleged to be danger-

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ous conspirators, traitors. At first the scarlet robes blurred their personalities, but gradually they have emerged for us as people.

Judge Kennedy has emerged as a man of marked independence. We cannot but marvel at his fantastic memory for detail. No document has even been read over twice without Judge Kennedy drawing attention to it. And he was always correct. We know that if he says that something was mentioned in a certain part of the record of this monumental mess of a trial, it is so; it is really not necessary to look it up. He can even extract a little humour out of this dreary business and we often see him break into a smile. 'It reminds me of the old song, *For Ever and Ever!*' he once commented on this timeless trial, almost singing the words in Court.

He was indignant at the beginning of this wretched Emergency, when only twelve accused appeared in Court because the other eighteen of us had just been arrested, and so had Chief Luthuli, who was giving evidence. The police did not bring Chief Luthuli to Court that morning although he was in the middle of his evidence. The Crown could not tell Counsel where Luthuli was and Judge Kennedy said:

'On the scanty evidence available, the Court would like to be informed what the position is. My own view is that the witness must be produced or the Court must be fully informed of the position, and speaking for myself, I should like to have that information by 11.30. *If* there is any secrecy about this, the Court should not be treated in what would seem to be a cavalier way. For my part, I want definite information as to what the position is, not only about the witness, and if that is not forthcoming I may have to consider my attitude with regard to any further information you lay before me. I consider at any rate that I am entitled to know what the position is.'

Judge Kennedy seems to us to be factual and down-to-earth; he does not get himself involved in the higher realms of obscure law and his questions to witnesses are on fact and for clarification. We wait for his gruff voice saying 'speaking for myself'. More than once he has commented that our allegedly treasonable speeches seemed merely criticism. To us he seems to be becoming very clear that this is all a waste of time.

Mr Justice Bekker has emerged as the judge-who-wants-to-know. He wants to know everything, the meaning of every phrase, the factual background to every situation. He puts no hypothetical questions to witnesses, but we have to explain just what we meant by what we said and did. He has spent many hours sorting out the relationships of our organizations, and particularly the African National Congress Youth League. His persistent quest for knowledge has never ceased as the months and years go by—resting his head on his hand he addresses himself to Counsel or witness, ‘Just on this point . . . you see, this is my difficulty.’ He engages in earnest discussions with the Judge President; with Counsel he embarks on hypothetical examples—the ringing of the church bell to signal an uprising is one we have learnt to know, and the jumping into the stream, ‘the polluted stream of treason’. His questions recently brought him an unexpected reply.

Discussing arrangements for consultations during our detention, he asked at what time we had supper at the gaol.

‘Two-thirty pm My Lords!’ said Duma Nokwe, loud and clear. Judge Bekker stared in open-mouthed amazement. ‘Two-thirty pm?’ Such an hour for supper he had never heard of.

‘And lunch?’

‘Eleven o’clock, My Lord!’ said Duma.

Judge Bekker gave it up and sat back.

On the following day it was decided that I must be the next witness. ‘Accused Number Two, Helen Joseph, will be called as a witness by Accused Number One, Farid Adams.’ I feel shaky at the responsibility, but Farid seems confident and we are promised that Nelson and Duma, attorney and advocate, will sit one on each side of Farid and prompt him if his questioning falters. So back to the gaol I go, armed with the Crown opening address, which I shall spend so many days studying.

There are urgent messages for typewriters, paper and pens to be brought to us, and Farid becomes the Defence typist—a mighty job he has to perform, too.

The week continued peacefully until Sunday afternoon, when Hannah was called for her visitor from the UK office. When she came back, she sat on her bed and wept. The United Kingdom High

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Commissioner had called personally to tell her that the Government has offered her release on condition that she agrees to leave the Union permanently 'within a reasonable time.' She does not want to go, not like this, she thinks it is her duty to stay.

So she turns down the offer and the diplomatic battle starts up again. It is a noble decision and I love and admire her for it.

An important witness was to be Professor Z. K. Matthews, Deputy President of the African National Congress. A titanic battle had been fought between the accused and the Crown over the treatment of Professor Matthews during the Emergency, as a Defence witness.

We had intended to call him now, but in view of the Emergency were unwilling to do so before consulting him as a potential Defence witness; he was duly brought from one of the gaols in the Cape, where he was detained under Emergency Regulations, to the Pretoria Central Gaol and then the battle began.

On May 2nd, Nelson Mandela addressed the Court:

'My Lords, it has been brought to our notice that the gaol authorities unduly interfered with Professor Matthews. We feel it our duty to place this matter before the Court without delay.

'On his arrival on Thursday afternoon Professor Matthews was taken to the superintendent of the Pretoria Gaol, he was asked if he knew why he has been brought there. Professor Matthews replied that he had been informed by the gaol authorities in East London that he was required to give evidence in this trial. He then informed them that he was not sure whether, under the prevailing conditions, he should give evidence in this case and requested permission to consult Counsel on the advisability or otherwise of giving evidence under these conditions.

'When Professor Matthews indicated his doubt about giving evidence the officer at the gaol telephoned Colonel Prinsloo of the Special Branch and told him that Professor Matthews was not keen to give evidence.

'My Lords, in our submission, this is a gross irregularity, because the police are not entitled to information that is intended for Counsel about a witness we intend calling.

'But still Professor Matthews insisted that he would not decide the question without consulting Counsel. At this stage, My Lords, the

officer sent for Mr Nokwe, who was brought to his office. Addressing Mr Nokwe, the officer pointed to Professor Matthews and said, "Tell this man what you want from him so that he can make up his mind whether or not he should give evidence." But Mr Nokwe had to return to his cell without having the opportunity of consulting with Professor Matthews.

Duma Nokwe also had his say:

'Your Lordships, Professor Matthews was visited in gaol and interrogated by a gentleman whom he believes to have been a policeman in plain clothes. This gentleman was accompanied by a prison official. Professor Matthews was asked why he did not accept the assurance of the Minister of Justice and whether he could put his hand on his heart and say that there was nothing behind the statement he had made that he was unwilling to give evidence in this Court.

'Professor Matthews was further told that he was a well-educated man and should know that when the Minister of Justice had given an assurance it should be accepted.

'My Lords, it seems to us that the Crown and the authorities are taking advantage of the State of Emergency in order to commit what in our view constitutes a gross irregularity.

'At no stage, My Lords, have we enlisted the assistance of either the Crown or the authorities to help us prepare our witnesses. Nor have we asked anybody to persuade Professor Matthews to come and give evidence.'

In the end Professor Matthews declined to give evidence during the State of Emergency.

On May 2nd, Nelson Mandela also addressed the Court on behalf of the accused:

'May it please Your Lordships, there are one or two things which I want to raise and this morning I have given notice to the Crown of my intention to do so. Last Friday Your Lordships requested the Crown to see to it that all facilities were made available to enable all the accused in this case to consult with their witness, Professor Matthews. Your Lordships felt that it would be convenient if all the accused, including, so I understand Your Lordships, Mr

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Levy and the two women, were to consult with us with Professor Matthews together. Your Lordships appealed to the accused through Mr Nokwe to use the available time to consult with Professor Matthews so that the case might proceed without interruption. I do not know whether the Crown took steps to inform the gaol authorities fully of the wishes of Your Lordships, but on Saturday a cell on the second floor of the gaol building was made available to us for the purpose of consultation. In size, My Lords, the cell is approximately fourteen by seven paces. Mrs Ngoyi, Mrs Joseph and Mr Levy were not amongst us. In the cell, My Lords, there was one table, a shelf containing the records of the case; no chairs, or benches were provided and the accused had either to stand, squat or sit on bare cement. Later during the day mats were provided for all the accused. There were sanitary buckets which appear to us to have been used by other persons, they had not been emptied and the whole atmosphere was reeking with stench. Because of dim lights, the cell was dark and dingy.

‘It was in these conditions, My Lords, that we were expected to have consultations with Professor Matthews. Now, My Lords, I and the other accused appreciate that under the prevailing circumstances the accused in the case have to put up with a certain amount of discomfort and inconvenience but although we do not expect to conduct the case under the ideal and comfortable conditions which prevailed before the State of Emergency, we feel that we are at least entitled to necessary facilities.’

Mr Justice Rumpff assured us that these things would be attended to.

Excitement grows during the week as we await other friends arrested under the Emergency Regulations who are coming to join us in the Pretoria Gaol: the Johannesburg men, both European and non-European, are expected, we have heard at the Court and we see great preparations in the women’s gaol. Stacks of new mattresses arrive—and feather pillows! We can’t believe our eyes, for we have been sleeping on flat, square horrors made out of coir. Hannah once thoughtfully procured two extra for me, but although my head was lifted a few inches, the hardness was tripled. We see the great dormitory being painted and we learn that one room will be for sleeping and the other for recreation and eating.

FRIDAY, MAY 6TH. When I returned from Court Hannah and I were at last taken ceremoniously by Matron to see the new quarters. There are twenty-five beds, all made up with the feather pillows and pink coverlets; new brown lockers, with drawers and shelves. And in the far room is a stove and a sink and a hot water urn. Long tables, square tables and a ping pong table. And there at the far end, behind a screen, are three lavatories. The days of the lavatory pails are over. True, they have only knee high doors and partitions, but they are real lavatories (later to be known to us as the 'triple seating') and there is real crockery, with plates and knives and forks; these we haven't seen for five weeks.

At eight o'clock the detainees from Johannesburg arrived and I was smothered in embraces; what a reunion it was! The Colonel stared and so did the Matron. Then the meaning of the women's excited chatter began to penetrate. 'We didn't want to come—we refused to come! They had to carry us!' The Colonel looked grimmer than we had ever seen him look. The women are resentful and have protested in the only way open to them against being removed so far from their families, and so needlessly. Five of them have suffered the horror of their husbands being detained as well as themselves, and their children being left parentless and desolate.

This aspect of the women's coming is something that we had not realized, and suddenly the stove, the sink, the urn and all the crockery and the preparations seem stupid and unwanted. They tell us of conditions in Johannesburg Gaol—the Fort, where we were held for two weeks at the beginning of the treason trial—the bad food, their demands for their rights, their plans for a hunger strike. I begin to feel that Hannah and I have been too meek, too disciplined, though we have taken a certain pride in our self discipline.

These women are a vital group: 'high-powered' Hannah calls them and as the weekend goes by, the pattern of the proposed hunger strike becomes clearer. It is heroic without a doubt, and these women will go right through with it, that's clear; dynamic Hilda leads the women on, fire in her eyes and in her voice. She is determined. Finally, the decision is taken and the hunger strike is to start on Friday, May 13th, I am to be exempted after two or three days on account of my preparations for the witness box.

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By now it is known that Hannah may be deported at any time. The Government has decided to get rid of her at any price. She is distressed but wonderfully brave and calm, sweet and gentle, so loved and respected by all—by these women so different from her. All are Jewish except two, all are politically 'left', either now or formerly, and almost all of them are professed atheists. But Hannah has the gift of being beloved by all.

On the first day of the hunger strike I went down to the men's gaol for the first time, in the evening, for consultations over the Defence evidence. At 5.30 pm I was fetched from the dormitory and this in itself was almost epoch making: for in gaol, once you are locked up at 4 pm for the night, *you are locked up*—the keys are not even kept in the gaol. At the gaol gate a car was waiting, and a wardress; the car was driven by a Special Branch man and down to the 'local' we went. The great gates opened and we drove inside. Then I was taken out of the car to the passage in front of the visiting-room. This is a high room, possibly fifteen feet by twelve feet, and it is divided into three sections by ceiling-high iron bars, laced with stout chicken-wire. One section is for the prisoners, the middle one for the warders (a sort of no-man's-land) and the third is for visitors. It is high, dark and dingy, utterly cheerless.

True to prison gospel, there may be no 'physical contact'. (The superintendent has reluctantly agreed, under pressure from the Court, that I may be brought to the men's gaol, provided 'there is no physical contact'). Of course we sit together all day in the dock in the Special Court for the trial, and have done so for the past three and a half years—there is no concern about physical contact there, but *this* is the gaol! The problems of race and sex have, it seems, presented grave difficulties, for not only am I a woman, but I am a White woman. I must therefore be separated from my fellow accused on both grounds, and our demand for Leon Levy to participate in these discussions presents further problems to the harassed gaol authorities. He must be separated from the non-Europeans on grounds of colour, and from me on the grounds of sex. So Leon and I must now sit in the section reserved for visitors, while the other accused are to be in the middle no-man's-land, separated from us by the bars and the chicken-wire barrier.

The Colonel has had a special movable solid barrier made to

separate Leon and me! This means that each time we want to say something to each other, we must jump on our chairs and speak over the top of the barrier. However, the monstrosity is movable, so as soon as Leon and the others were brought down, complete with warders, we moved the horror outside into the vestibule. The warders blenched; this barrier had been put there by the Colonel himself—by his orders! We said firmly, 'This is impossible, we can't even see each other! We can't consult like this.' And out it went. And so we started, Nelson Mandela, attorney, and Farid Adams, with his typewriter, Robert Resha, and sometimes Duma Nokwe, the advocate, and Kathrada and Walter Sisulu. We demanded tables and they were brought, and we pushed them on to each side of the iron barriers so as to be as near as possible; the wardress prowled about at first and then settled to her knitting. She and the warder were out in the passage, and the door of the section where Leon and I sat had to be kept open so that we could be kept in sight, but presumably out of sound. The non-Europeans were locked in their section and their warder kept them under observation occasionally from the rear section. So far so good, and we settled down to go through part of the evidence. Farid typed rapidly when we were not actually discussing the evidence. Mandela rehearsed me for cross-examination, so realistically that sometimes I broke off to say 'Are you being Mandela or the Prosecutor?' We went on till almost nine o'clock and then the Special Branch 'taxi' appeared again. Occasionally one of the other detainees poked his head into the rear section with a cheery 'hello'; I don't quite know how this came about, but it seemed to be connected with their coming and going to the cell now used as the 'library' for the accused, which had been provided with chairs—and relieved of its sanitary buckets.

Back to the women's gaol and up to the dormitory just in time to undress before the lights go out. The women were excited over the first day of the hunger strike and were comparing degrees of hunger. No one has got hunger pains yet. I drank my final cup of hot water and climbed into bed. Next morning much discussion again on hunger, though most of the women said they didn't feel hungry, only a bit headachey and light-headed. I was fetched again at 9 am to go down to the men's gaol. Down at the 'local' there are new complications, for to have the door open now means that we are ex-

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posed to the noise and clangour of the gaol, and I think only when you have been 'inside' can you really know what that means. The clanging of slamming doors reverberates through the whole building, keys clank and echo, footsteps ring down the passages and there is an incessant din of shouting voices. We sent for the chief gaoler to ask if we could have the door shut, but he was helpless in face of these complications of race, sex, security—and noise. Finally we agreed under protest to a compromise: the doors would be closed but the warder and wardressⁿ would be shut in with us, in the rear section, beyond the second iron barrier. Soon the 'super' arrived on his daily round and we rose to our feet. He glared at his 'screen' standing unwanted outside, thrust out by irreverent hands; we murmured that it was impossible to consult, and then I protested at the presence of the warder and wardress who could now listen to our consultations. I said that it was undesirable, intolerable. The Colonel stared at me, and then looked at the very young wardress standing in the background and said, 'Well, I don't think she can hear—and I don't think she could understand even if she did hear.' I looked at her again and realized that he was right!

It was very cold, and in my hungry state I began to get a bit cloudy and so was relieved when we stopped at midday. Back to the women's gaol and more cups of hot water. Seeing the others lying quietly on their beds, I did the same and fell into an uneasy slumber.

That evening, Violet came to me to say that the others had decided that I should not fast any longer or I should not be able to work on the evidence. And to my shame I agreed without any protest. By Sunday Hannah was eating too, for we don't know when she may be whisked away by deportation and she must be able to stand the air journey and to speak her mind when she arrives in England. It is grim and unpleasant, eating when all the others are fasting, and we feel greatly embarrassed and ate almost furtively at first. Now there is an unbridgeable chasm between the eaters and the fasters. Hannah carries innumerable cups of water while I try to slog away at preparing my evidence. I am anxious and nervous; shall I dry up in the box?

During the following week the fast went on and Hannah and I were unhappy to realize that there was no definite decision on the length

of the strike—it was to go on until their demands for release were met, or until collapse. They became slow and flagging and they didn't talk much. Knitting gradually ceased and the women didn't want to go down into the yard, for the physical effort of going down and getting back was very great. All activities were suspended and the sweeping and kitchen duties fell away—there was no food being prepared. As the women grew weaker, some of them took to their beds and just lay dozing, reading desultorily. But they were indomitable and none would be the first to give in. The wives were visited by their detained husbands, also on an indefinite strike. Interviews with the authorities were stormy but there were no outright efforts to force the women to give in. They lost many pounds in weight, just in this one week: those who were slim before looked emaciated and the heavy ones looked worse, for their flesh began to hang. And one and all they had a grey look to their faces. There was little laughter and the rare smiles were slow. They began to have almost the look of zombies. We were surrounded by them, but were not part of them.

One morning, as I came from the bathroom block into the yard, I saw them almost crawling to the bathrooms as though they could hardly put one foot in front of the other; Kay, well into her sixties, still as indomitable as ever. It was a terrible and moving sight. No reply had come to their demand for release, after eight days of fasting, and yet they were committed to go on. And they wanted to go on; their spirit never weakened.

In the men's gaol there have also been hunger strikes—the European men followed the same pattern as the women and held out for a full ten days. We gathered round at Court on Leon Levy's tenth day, fascinated to watch him break his fast with a Marie biscuit, a look of sheer ecstasy on his face. The non-Europeans had pledged themselves in solidarity to three days. Long weeks of gaol food had already impaired the health and resistance of many of the detainees, and even three days of fasting imposed a heavy strain.

FRIDAY, MAY 20TH. I returned from the Court to find an amazing scene. All the women were together there, standing in little groups, tearful, defiant, and distressed. The Colonel, the Matron and the wardresses were there, fingerprinting all of us. Dully, without to this day knowing why, I also had my fingerprints taken. Hannah told me

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that a specialist had been sent in by friends from outside to examine Sonia, and that he had examined others too, and urged them to stop their fast. They were doing harm to themselves; it might be permanent damage. Anne and Sonia must remain in bed, because their hearts were affected. But no decision had yet been taken by the women—for following upon this news had come another blow. The authorities have acted. Eight of the women are to go to Nylstroom gaol, eighty miles away from Pretoria.

In their weakened state the women have been badly hit by this prospect of separation, even though it had been expected that the authorities would not, could not, take this defiant hunger strike lying down. It was nevertheless a shock, a tragedy, for these brave women have been together since the day they were arrested, never separated, enduring all the hardships together, welding a close, unbreakable comradeship; they have defied together when they were brought from the Fort, they have fasted together, suffered together. But the blow has fallen and they are to be parted. The Colonel left with a final rough command that the women must be ready at 6 am the following morning.

I had to go again to the 'local' for consultations and preparation of defence, but when I returned to the women's gaol at nine o'clock, I heard with relief that the hunger strike had been called off, both in view of the coming separation and on account of the serious medical report on Anne and Sonia. They would go on together or not at all.

Hearts were very sad at the coming separation but we packed up provisions for the travellers; it was strange to see foodstuffs unpacked again after lying untouched for nine days. The fasters sipped orange juice and glucose; life began to come back, vitality reappeared.

A sad night and an early rise, but not early enough, for after all they were not ready when, at the stroke of six, the wardress unlocked the door. There were further brushes with the Colonel and the wardresses, tempers were frayed and bitter words spoken. By seven they were gone, with tears and sorrow. We do not know what they are going to, nor how they will stand the long journey in their weakened state.

Two days earlier, Hannah's deportation order came through and

she, too, was waiting to go. She was graciously granted a couple of hours to go to the Mission for her final packing before she leaves the land she loves so dearly. Two hours to end two years! And on this same Saturday, at nine o'clock, just two hours after the others had gone, the call came for her. She carried a posy of Cape flowers, given her by friends outside in farewell; we thrust stockings, little gifts, on her, but we don't really have much to give. She looked unbelievably beautiful as she walked down the dormitory and out of our company. I followed her to the door and I knew that something gracious and lovely had gone out of our lives.

QUEEN'S GUESTS, OR QC'S?

The days went by, and Chief Luthuli was still in the witness box, while daily we expected his cross-examination to end. He looked tired and weary. I saw him in the mornings, for when I sat in front of the van, he was brought to join me. We had taught the police drivers to realize that our Chief was a sick man and a very precious cargo. He could manage to give evidence for only two hours a day now and as I travelled with him in the mornings, he admitted his weariness and his longing for it to be over; but his spirit was undefeatable. The Crown attacked him savagely, impugning his integrity, accusing him of dishonesty and double talk. I think that if I had been Trengove, the Prosecutor, I would have carried with me to my dying day the memory of the look on Luthuli's face. So Christ may have looked, when He stood before His accusers. It was a look of agonized disbelief that his word could be so doubted. I think that in all his life, no one had ever before accused Albert Luthuli of dishonesty. He turned to look at the judges in sheer disbelief, in appeal. Their faces were stony as he protested that this was an attack on his integrity. He turned again to Trengove, pain in every line of his face. Yet he could still smile at this man who wounded him so sorely. So Christ forgave His enemies on the Cross.

The end of May came and there was a week's adjournment for public holidays and the great Union Festival on May 31st. Fifty years of Union! It meant little to us inside the gael except that we wondered what our friends were doing outside. We were still going down to Court daily, despite the adjournment, for it was important for us to be together for our work. As Walter, Nelson, Kathrada, Leon and I 'consulted', the other accused were studying documents, checking exhibits; other accused who would also have to give

evidence were beginning their preparation. So the Courthouse became our schoolhouse. Each group had its special place, its separate function. Some accused had special tasks, others browsed happily among the documents, *our* documents, which we had not set eyes on for so many years.

The Court Sergeant hovered, with his policemen in attendance. We quarrelled with him over his supervision and the impossibility of proper consultations, which ought not to be heard by anybody but ourselves. He tried to regiment us but failed; gradually and inevitably we imposed our own pattern on the Courthouse, we made it our own. Tall Nelson Mandela was our leader and we would obey *him*, not the Sergeant. It became almost a war of nerves, but in the end our stubborn determination to guard what few privileges we had, prevailed.

I woke each morning at 6 am, but it was very dark, for this was the middle of winter. I took my clothes and went quietly into the other great room, and there I dressed and made coffee and drank it gratefully in the cold dawn. By half past seven the transport arrived, and I joined Lilian, who had been waiting in another office, for we were no longer allowed to stand together. Then down to the 'local' for the men. The van was old and when it wouldn't start the driver got out and pushed from the back, and I, the prisoner, took the wheel and steered the van, until it shuddered and roared into life and motion again. At the 'local' the van backed up against the great wooden doors. Lilian went to sit in the back, for from then on Apartheid must be observed, though Leon was allowed to sit in the back with the non-Europeans. It seemed to be a greater crime for a White woman to sit there than for a White man, so I had to remain in front.

The men came pouring out of the gaol gate and into the back of the van. I couldn't see them but I could feel the lorry rocking as they clambered in, and the singing started. The beautiful melodies and the incomparable harmonies rose as we rode through the streets of Pretoria. Our van was known as 'the singing lorry' and the driver was so proud that he sometimes drove us round Church Square, 'Sing up, sing up, chaps!' he shouted, 'I'm taking you for a ride!' Then all too soon we were at the Old Synagogue. I got down from the cab and greeted my friends. Such bright and cheerful good mornings—who could think we were prisoners? A few moments in

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the courtyard and we trooped into 'school' and settled down for the day's work.

Ten minutes break at eleven o'clock, for from the very day when we came back to Court again our dear Mrs Pillay started again to send in coffee. She never failed, this lovely woman with the great heart and the devoted loyal family. There was never a day, not one day, when we did not get our coffee and our bread and butter. But now we could no longer get lunches from the committees who so kindly looked after us earlier in the trial, for they had to care for the many hundreds of Pretoria detainees, who did not have our good fortune in being let out of gaol, even if only to be tried for high treason. The needs of these Pretoria detainees were pressing, desperate. We could not see our Mrs Pillay, or greet her except for an occasional stolen wave of the hand in the distance, but she gradually added more and more food to our morning bread and butter; packets of oranges, chops, (and how excited we were the first time we saw these). It was very welcome, for the prison food sent down to us here was meagre: rusty tin bowls of porridge, stone cold, with a little coarse meat and hard dried beans flung on top—what the gaol calls 'Kaffir food—what the natives are used to.' Leon's and mine was better—our pink skins again—and we could share it with our friends, but it did not go very far among twenty-nine. The Indians and Coloured got 'D' diet, which was a little better—not much—than that provided for the Africans.

So the day passed in work and talk, and a little time for play, and at 4 pm the 'taxi' arrived and we piled in again. Sometimes we even found ourselves saying, 'Is it time to go home now?' Home!

Visiting days were red-letter days. We were firm about having our visitors at Court; even if Court was sitting, 1.30 to 2.30 was sacred and the Court must start later. We were herded into a corner of the yard on those days, right outside the women's lavatories, but what did we care? We dragged the benches there and quickly ate our food and waited for the visitors to walk past us, each of us looking anxiously (but pretending not to) to see if *our* visitors had come. There was much teasing of the bachelors, for visitors were supposed to be next of kin, but theirs were varied and pretty!

JUNE 2ND. Chief Luthuli's cross-examination ended at last and I went into the witness box to say what I knew of the Congresses and

their policies and particularly to testify to my own organizations, the South African Congress of Democrats and the Federation of South African Women. I was very nervous and found to my horror that my legs were trembling as I sat perched on the witness stool. I looked at the judges, their faces seemed different from this angle. They were not the same persons any more. Judge Rumpff looked completely changed, more like a dominie, Calvinistic, severe. The attractive planes of his face seemed to have disappeared and his eyes seemed cold. He seemed more than ever like the painting of a Flemish cardinal which I had seen somewhere.

I started off by saying that I was compelled to choose the course of giving evidence, although I had no confidence in the Minister's assurances that witnesses would not be in danger under the Emergency Regulations. Judge Rumpff's face went blank. During the afternoon session I experienced a moment of sheer panic and I thought, 'I can't stay here! I must get out of this witness box.' But it passed, though it seemed a long afternoon. The next day my legs were still trembling, but thank goodness no one could see them. Farid was good and confident, but I realized that he wouldn't be able to prod me if I left out parts of my evidence-in-chief, and this made me more nervous. I spent the weekend preparing the evidence, but it was difficult to get quiet conditions in gaol for concentration, though the women were very sympathetic and interested and made coffee for me when I returned from Court. They kept supper for me when I returned after the evening session at the men's gaol, sometimes even as late as 10 pm. Truly we disrupted the gaol routine.

ON MONDAY, JUNE 6TH, I was in the box again and the evidence-in-chief continued until eleven o'clock on Thursday morning (June 9th). I was glad that the analysing of the Crown's opening address was over. It was full of untruths, it smeared us and our organizations, smelling out violence that never existed, taking our words, tearing them out of context and twining them into something sinister. Advocate Liebenberg was to cross-examine me, but first the accused did their cross-examination. Leon Levy's cross-examination on the Peace Council harassed me. His questions were forceful, but he was deliberate and slow, and sometimes I couldn't remember whether he had said, 'It is so, Mrs Joseph, is it not?' or 'It is not so, is it?' I had this for a full day and suffered agonies of apprehension and

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anxiety. I shouldn't like to have to repeat the following nine days of cross-examination or to have to face again the barrage of questions from Judge Bekker and from his Lordship, Mr Justice Rumpff. I was not allowed to speak to the other accused. I was completely alone in Court, alone in the yard at lunch time, living on a hasty smile here or a whispered 'You're doing fine.' It was a strange experience as the accused tried to say through my answers what the struggle meant to them. When Simon Tyeki, who suffered so much in the rape of Sophiatown, for he lost his property and his livelihood, asked 'Mrs Joseph, what would you have done?', the Court faded away and I said, 'I would do anything, legal or illegal.' There was no other answer.

On the policies and activities of the Congress movement I had felt at home, but I must admit that the hypothetical questions from Mr Justice Rumpff and the other judges took me into unexpected realms.

'Mrs Joseph, may I put a hypothetical case to you?'

'Yes.'

'If you had a country with a Fascist Government using the organs of State and the armed forces to govern, and you had a majority of people suppressed by the Fascist Government, a big majority of the people compared to the minority who exercised the government, what would you put as of prime importance, the achievement of liberation or the method of achievement?'

'I think I would find it difficult to separate the two, My Lord. I myself would not support a violent method to achieve liberation, if that is what My Lord implies.'

'Not actually what you would support; what would you put as of primary importance, the liberation of an oppressed people from a Fascist Government or the method of such liberation?'

'My Lord, I cannot separate them; the liberation through peaceful methods.'

'If you had a country where the oppressed masses had *no* weapons and *no* arms, and couldn't employ violence successfully, that would be one thing. It might in those circumstances be very foolish to encourage them to run up against machine-guns. What would your attitude be if you had a country where a mass of people were governed by a Fascist Government, but they *had* arms, and if they wanted to, they could by means of those arms in a very short clash

get rid of the Fascist Government and its authority and its oppression with a minimum of sacrifice as far as they were concerned?'

'My Lords, there could never be a minimum of sacrifice in such a situation.'

'What would your point of view be?'

'My point of view, My Lord, would be and has always been that even if it means a longer time to achieve liberation I would always support the non-violent method. I would not support an armed conflict to achieve liberation.' I thought that I had given my answer with the utmost clarity, but the Judge continued.

'Would you condemn an armed conflict in those circumstances, even if you might not support it?'

'I would regret it; I'm not sure—if I were actually asked to express an opinion then, My Lords, I think I would because I condemn all wars—all armed conflict, all shedding of human life and blood.'

'Well, assume you had a Fascist Government which in order to entrench itself as a government passed a measure to suppress that part of the population of its country which it governed, and if the people wanted to establish a People's Democracy?'

'My Lords, the aim would then be to me less important than the fact that human life could be lost and suffering imposed. I believe in the efficacy of non-violent methods.'

'Yes, but assume that the position were such that the majority of people, oppressed as they are, could by a short violent clash get rid of their Fascist Government and establish a People's Democracy, would you regret it?'

'Yes.'

'Would you condemn it?'

'I would both regret and condemn any movement by the people to start an armed conflict, no matter for what purpose, My Lord.'

They seemed to go on for a very long time, these questions; and more of them followed, until at last His Lordship said:

'I'm asking these questions to see how your evidence about the fundamentals of your policy can be reconciled to the hard facts of life.'

'My Lords, the fundamentals of our policy were reconciled to the hard facts of life in India. It took a long time. They can be reconciled; I believe it, My Lords.'

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'Except that there may be a difference between India and this country—that here the very idea of non-violence as propagated by Gandhi is an idea which, according to the evidence, has not been propagated to the same extent and in the same particular manner?'

'It started here, My Lord.'

'Yes, I'm now talking about the evidence before us. Do you follow what I mean?'

'Yes, I do, but I mean Gandhi's first experiment was in South Africa.'

'And secondly, the type of State that Gandhi wanted may not be quite the same type that the Congress Alliance want?'

'My Lords, I can't claim, of course, to be an expert on India or on Gandhi, but I have always understood that Gandhi's aim was to seek liberation for his people to decide for themselves what kind of State they wanted, and that, My Lord, is in effect the aim of the Congress Movement here; so that I see a great similarity, but My Lords, I must say I don't claim to be so well informed about Gandhism.'

The questioning by Mr Justice Rumpff once continued for an unbroken stretch of almost an hour. But with all my efforts to reply coherently and intelligently to the lengthy and complicated questions put by him, I apparently did not manage to satisfy His Lordship, for in his reply to the application for his recusal, Mr Justice Rumpff, explaining his protracted examination of me, said it once took him about seven questions to get an answer from me and that I did not give a simple answer but had to be brought back patiently to the question.

I had Prosecutor Advocate Liebenberg for nine long days and he ran the whole gamut of the case, yet he was not frightening at all. But Judge Rumpff! That was a different story, and I learnt to dread his interventions, as he interrogated me, question after question, persistent and formidable. I tried to take this experience with my chin up, but it went on day after day and I thought it would never end. I watched the clock from the witness box and it went so slowly; you'd think it could go a bit faster when the questions were put by Judge Rumpff, but it didn't. It was just that I couldn't look at it then, for I must turn my head towards the judge, away from the accused, away from the clock. One dreadful day, I was exhausted

and I asked if I could stop at a quarter to four, instead of four o'clock. But Judge Rumpff merely asked whether we had another witness ready to carry on in my place. And this in a trial which had already lasted three and a half years! So I knew that I couldn't ever ask again, for we didn't have another ready. It was all we could do to keep abreast.

Then there was the dreadful day when I did break down, but only after I had reached the gaol. That was the day the isolation from the other accused hit me so badly. I had not expected to be so cut off, and I had had a long unbroken succession of questions from the Bench. In the special car which was now sent for me daily to keep me away from the other accused, I could feel the tears flooding behind my dark glasses and I wiped them surreptitiously with my finger tips. Into the gaol, hoping to get to the dormitory before collapse, though what I thought I would do then I hadn't worked out. As I walked in the women were all round a bed, looking at some slacks and sweaters that had been sent in. I thought I would get past them, and retreat to the lavatories—I think I had forgotten the 'unprivate' triple seating. But someone spoke to me kindly, asking about the trial and I began to cry and walked down the never-ending passage between the rows of beds, the tears running down my face. A sad and damp hour followed, but I think the weeping washed out my stress and strain, for it was never again as bad as that.

Back into the box the next day and so it went on, endlessly. Judge Bekker questioned me on my speech at the Geneva Women's Conference and I remembered that wonderful assembly of women and how scared I was then, and the unforgettable ovation, which wasn't for me, but for the sufferings and the struggles of the non-European women in South Africa.

We knew that the Emergency Regulations were soon to be lifted. The driver kept talking about 'after June the 26th' and excitement mounted as we approached that date. Women start talking about another hunger strike. My evidence finished at last, and I got a great reception as I stepped down from the hated witness box at last, after only one day short of three weeks. The accused were jubilant, and Duma Nokwe cried 'Undented and undaunted!' There was much comment on Judge Rumpff's questions and some ribald com-

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ment on the Crown cross-examination. Moulvi Cachalia followed me into the witness box, delightful and oriental, and we sat entranced as he took the Court round the world with his examples. He painted a colourful and comprehensive picture of the non-violent passive resistance campaign of India, linking it to our struggle here. Moulvi always explained through examples, in his own inimitable way, and saw no reason why he should not do so in the witness box, until Judge Rumpff intervened tactfully: 'I am afraid that there are so many issues in this case already that if we go by the way of illustration to other countries and other examples. . . .' However he didn't succeed. Moulvi was soon in full flow again with his examples. 'You see . . . it's like this, you see,' he would begin, and away he would go. But Moulvi made his impact and Trengove closed his cross-examination earlier than he had intended, realizing that he was making no headway at all with this witness, who could out-talk him with such ease.

In spite of our hopes we celebrated June 26th, the Congress Day of Rededication and the anniversary of the Congress of the People, in our gaol; so did the men. We had a poetry reading and we sang Congress songs, not very melodiously, but with great feeling if little music. We stood on the chairs and sang them out of the window, so high up above, hoping that the African women detainees below us would hear. And the next day, Lilian said that they had. She said very politely that our singing had been 'wonderful'!

JUNE 28TH. Stanley Lollay, the only Coloured man amongst the accused, began his evidence. He told of the humiliations of the Coloured people, of the long history of broken promises, of the steady whittling away of the meagre rights accorded to the Coloured people.

On the afternoon of June 28th, as we drove around Church Square and into Church Street again, we saw a placard, 'Cabinet frees 1,200'. We were wildly excited, the accused at the back of the lorry sang more loudly than ever and we stamped in rhythm on the floor of the van. I was clutching the gorgeous bouquet of flowers that Hannah had sent me to the Court, ordered from England. Never had such a prison van been seen in the streets of Pretoria—or any other town. We sang and sang, the driver turning round and shouting through the communication hole 'You're going home,

chaps! You're going home!' At the local gaol, the men climbed out, still singing, and I almost danced into the Pretoria Central, still clutching Hannah's flowers.

On Wednesday, June 29th, there was much excitement at Court as we wondered who would go and who would stay. Would the treason accused be victimized? We thought it might happen, but didn't really know anything. One of my visitors had said that he had phoned Major Lamprecht of the Special Branch who had said that it was 'not policy to release the treason accused', whether the Emergency was lifted or not.

At six o'clock on Friday, July 1st, Matron came in. This was unheard of, and we stood and gazed at her. At first she said that everyone except Joseph was going home. It was a bad moment, but I was glad I had been warned, but then the picture cleared and it became known that it was Yetta, Shulamith and I who were not to be released. There was much distress among the women at leaving us behind, but they had to get packed and by 7 pm they were gone. I moved up the dormitory to sleep in the bed next to Shulamith and Yetta; the dormitory began to look too large. Next morning the Colonel told us that the other women who had been sent away on Friday, June 21st, to the Nylstroom Gaol after the hunger strike were coming back, and that one had been released from there. They were expected at midday, and we rushed upstairs to prepare beds and lunch for them; they arrived looking fit and sunburnt. There was much chatter and laughter and we played ping pong and scrabble, and read as usual.

However on the evening of the following Wednesday the Colonel sent for four of the women and told them they were going home the next day. We played scrabble until very late, literally falling asleep, but each feeling that we *must* play and be sociable on our last night together. The next day they went and Yetta and I were left behind. Then she too was released on Saturday, July 23rd. By this time Lilian was also alone, for the last African woman, gay Bertha Mas-haba, went during July.

I settled down quite comfortably, after Yetta had gone, to a quiet and solitary existence. I scrubbed tables and cleaned shelves and kept myself busy. The Court had gone into recess, and I even stayed a couple of week-days in gaol, so as to have some time to loaf in the sun—even in the prison yard. It was very peaceful and I knitted

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and played with little Koosie, the African baby, brought to gaol with his mother when he was two weeks old—nearly two years ago. Koosie was the uncrowned King of the Pretoria Gaol.

Sometimes I recited Hilda's poem to myself:

PRETORIA CENTRAL, REFRAIN

(or What Did you Do in the Great Emergency, Mummy?)

It's Sunday again, and here we are, sitting
And reading, or talking, and knitting and knitting,
We're up in the morning; we each make our bed
We eat up our breakfast of porridge and bread.
No bacon, no toast, no kippers, no ham,
No eggs—but there's coffee and plenty of jam.
Then out in the yard, we go for a bit
And under the palm tree, we sit and we knit.
Sunday papers and scones in the world that we quit
But here we just sit and we knit and we knit!
And we knit, and we knit, and we knit, and we knit.

Now Monday has come and the children are dressed
In shorts or in blouses with gyms neatly pressed.
They're ready for school, while to work folks are flitting
While here we are sitting, and knitting and knitting.
Are the streets jammed with traffic? We don't care a bit
We just sit and we knit, and we knit, and we knit
And we knit and we knit and we knit and we knit.

Wednesday and Thursday, and Friday and Saturday
Each one like the former, each one like the latter day.
Warm days or cold days, we care not one whit
We just sit and read, or we read and we knit.
At night round the table in nightgowns we sit
And we talk or we read or we sit—or we knit!
There are earthquakes and floods, or a batsman gets hit
But we're quite unaware, so we sit and we knit
Yes, we knit and we knit and we knit and we knit.

QUEEN'S GUESTS, OR QC'S?

One day they will say, 'The emergency's over!
You may pack and return to your husband or lover!
Your children are waiting, so why don't you flit?'
We won't even hear them—we'll sit and we'll knit. . . .
The prison doors open and Spengler has gone
But the women detainees sit on and sit on.
And three decades later, they'll dig thro' the grit
And there they will find us, while we sit and knit,
While we sit and we read, or we read and we sit
And we knit and we knit and we knit and we knit!

I sent the scrabble board away, but the ping pong table was a white elephant—I couldn't get rid of that so easily. I organized the sweeping of the great hall in which I was alone. I got up at five thirty am and swept half the dormitory every morning until six thirty, then dusted till six forty-five, and was ready to go for a bath at seven when the doors were unlocked. I made soup daily out of the one bone, one leek, one potato and one carrot which were solemnly brought in each morning. I made coffee in the thermos and had my early morning coffee in bed—in gaol.

I remember efforts to study during this time—Duma Nokwe and Zami Conco learning French; they proclaimed that French would be the future language of Africa. Tshunungwa conducted an arithmetic class; Kampeni and Tyeki, in their late fifties, bought readers and pencils and exercise books. They wanted to learn to read and write. I can still see them, sitting solemnly on the bench in the courtyard; they had never had time in all their lives to study and now, out of the State of Emergency, they suddenly got what they had never had before—time. I don't know how far they got with their reading and it doesn't matter. What I *do* know is that these men, who could not read and write, are better qualified than many highly educated people to exercise a vote.

JULY 18TH. Today Sydney Kentridge reminded the Court of our statements about the detention conditions for non-Europeans and particularly about the food. Nelson Mandela had stated unequivocally: 'Speaking with the greatest moderation, it is no exaggeration to say that the food which is furnished to us in gaol, My Lord, with due respect, is completely unfit for human consumption.'

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Whilst admitting that there might be little that the Court could do in this matter, Advocate Kentridge nevertheless suggested that their lordships might examine the food which had been sent from the gaol for the African accused. Mr Justice Rumpff agreed to adjourn the Court for five minutes for this purpose. When the Court again resumed, Mr Justice Rumpff informed Advocate Kentridge that he had not only inspected the food, but had eaten a spoonful. He commented that it was cold and unappetizing, although it did not appear to be of bad quality. He felt that the presentation of the food should be improved and the prison authorities told to serve the food *hot*, not cold. The question of the rusty mugs should also be investigated. We laughed a little to ourselves at the idea of *hot* gaol food!

But it had taken Sydney Kentridge to suggest that Their Lordships should examine our food; we sat entranced at the spectacle of policemen solemnly marching through the Court to the Judge's chambers bearing dishes of cold porridge sprinkled with beans and chips of coarse meat, and rusty mugs of gaol coffee.

AUGUST 1ST. We had called our Counsel back again during July, in view of the expected termination of the Emergency. Twelve hundred detainees had gone from the gaols of South Africa and we ourselves expected to go daily.

M. Mkalipe was our current witness. The accused were all talking of 'horses', our name for the rumours of when we were going home. Rebecca Bunting told us what Colonel Prinsloo of the Special Branch said about her son Brian, and also Leon had a rumour—making two horses.

The accused Simon Mkalipe explained to the Court how he joined the African National Congress. He believed in non-violence according to the teachings of Christ, and it was dearer to him than the African National Congress itself.

'My Lords, if that could come, that the African National Congress could change its policy from non-violence into violence, I would withdraw my participation in the liberation movement of the Africans.'

It was Advocate Chris Plewman who was leading the evidence of our witnesses from the Eastern Cape, the fiery Ntsangani and the careful slow-speaking Mkalipe. We listened to Mkalipe's evidence

and smiled at his simple story of the Chinese shopkeeper who had to 'apologize'.

Boycott to Simon Mkalipe was simple, a matter of everyday life, as indeed it is to many of the Eastern Cape, where it has been used as a political weapon for many years.

'You had to deal with a case of a shopkeeper called Ken Long, do you remember that?'

'Yes, My Lord, a Chinese shop.'

'Did you in fact have to boycott Mr Ken Long's shop before he improved conditions?'

'Yes, the place at which the meeting used to assemble was not very far from his shop, and over the microphone he heard that a boycott was being launched to start the next morning, and fortunately the committee of that branch was also going to meet after this public meeting, so by the time we came to the office for the committee he was there, waiting to apologize.'

'And was it necessary in fact to boycott him?'

'The decision was that the first thing in the morning there must be a messenger, a volunteer, who must shout that the boycott has been lifted and was not to take place on Mr Ken Long's shop.'

Asked what he read, he replied that he read the local newspapers 'not every day. Sometimes on the question of money, I couldn't buy, but whenever I got money I used to buy every day.'

Mkalipe brought his religion not only into his everyday life, but right into the witness box. When Prosecutor Trengove tried to ferret out, as he did with all of us, what we meant by a 'People's Democracy', trying to put words and ideas into our ~~own~~ mouths to suit the Crown's purposes, Simon Mkalipe replied simply and directly,

'Well, in my stupid knowledge, I would put it in that way, I think a people's democracy is the freedom of God.'

And not only did he bring his religion into the Court, Mkalipe brought his Bible, right there in the witness box. He brought it out of his pocket, apologized politely to the judges for not having had it there on the previous day, and read to their astonished Lordships eight verses from the Book of Daniel. The names of Shadrack, Meshack and Abednego rang once more in the Old Synagogue and I looked at the three judges, scarlet-robed, sitting there, where once a rabbi stood alone, perhaps reading these very words to his assembled congregation.

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But Mkalipe had made his point and shown how for him the Defiance Campaign was the same as when Shadrack, Meshack and Abednego had defied the law requiring them to pay homage to an idol. They too, had defied an unjust law. Advocate Trengove hastily passed to another aspect of the cross-examination. Even he was not proof against this honesty, this utter sincerity.

'The way to freedom is through the gaol!' Simon Mkalipe said in the witness box. Indeed we had taken some steps along that road, in the course of our trial, sixteen days in the Johannesburg Fort before bail was granted and one hundred and fifty-four days during the Emergency. Yet gaol imprisonment drew us even closer together: we shared our lives more closely then. When we were caged in the yard of the Court every day, it became our home; our daily lives were lived there, and we shared so much laughter in our memories, that we are the richer for this experience. Our jokes were many and small; they belonged to that little world and they are meaningless to others. Our memories too, both the good and the bad, are of our daily life; there is nothing epic about them.

WEDNESDAY, AUGUST 3RD. Nothing special has been happening until today, when we heard that Brian Bunting had been released in Cape Town, so one horse had come home! And Leon's horse was from the same stable.

Now that the Court was sitting full hours and we had our lawyers again, we had to stay late at the Court in order to fit in the consultations. The *Mammy* at the gaol was not at all pleased about this as she must now stay on until Lilian and I came 'home' at six o'clock.

On the same day, August 3rd, Nelson Mandela went into the witness box. Tall, confident, dignified, a man of magnificent physique; he stood there, the son of a Tembu chief, and Transvaal President of the African National Congress until he was banned in 1953. Seven years he had been banned now, and restricted to Johannesburg, but he was still a leader of his people. Amongst the accused, he was *our* leader, accepted by all of us. As our spokesman he had challenged the Court on several occasions already. I thought of the Crown witnesses and took pride in this man of integrity and courage.

It was Advocate Kentridge who formally led Nelson's evidence-

in-chief, but he confidently left this outstanding witness to deliver his own explanation with clarity and ease, of the policies of the African National Congress and the Youth League, merely putting the document to him.

I listened to Advocate Kentridge quoting from the basic policy statement of the African National Congress Youth League:

‘There are two streams of African Nationalism.

One centres around Marcus Garvie's slogan, Africa for the Africans. It is based on the “quit Africa” slogan and on the cry of “Hurl the White man into the sea!” This brand of African nationalism is extreme and ultra-revolutionary. There is another stream of African Nationalism which is moderate and which the Congress Youth League professes. We of the Youth League take account of the concrete situation in South Africa and realize that the different racial groups have come to stay, but we insist that a condition for inter-racial peace and progress is the abandonment of white domination and such a change in the basic structure of South African society that those relations which breed exploitation and human misery will disappear. There our goal is the winning of national Freedom for African people and the inauguration of a people's free society where racial oppression and persecution will be outlawed.’

Nelson Mandela had been volunteer-in-chief of the 1919 Defiance Campaign; leader of the volunteers who had been chosen for their acceptance of discipline.

‘My Lord, I might say that as far as the African people were concerned, this was the first occasion on which we embarked on this type of action. We were then afraid that defiance would immediately attract the wrath of the authorities and that they would endeavour to intimidate the African people by being very harsh with the first volunteers, and the only way in which they could have that opportunity was if there could be disturbances, and we therefore made it a fundamental principle of the whole campaign that all volunteers should scrupulously observe the necessity for discipline, and it was for this reason that we took this precaution in order that from our own side we should eliminate completely the possibility of people being provoked into violent action.’

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An article entitled 'No Easy Walk to Freedom' had featured prominently in our trial; it was the presidential address of Nelson Mandela himself, written just before he was banned. In clear, deliberate language he explained it, told the Court what was in his mind when he wrote it, and how he had arrived at his analysis of the political situation. He spoke with authority, unequivocally reaffirming his beliefs. Here was no attempt to retract into vagueness; he took every phrase pounced upon so gleefully by the prosecution and fitted it correctly into its context, categorically rejecting the violent implications ascribed by the Crown.

Nelson never lost control, or relaxed his dignity. Only once did indignation break through, when Justice Rumpff queried the wisdom of universal franchise, asking whether unqualified democracy could not be dangerous. Nelson's voice rose a little as he replied that every person should have the right to vote, emphatically repudiating the suggestion of the Judge President that people without education could be like children.

Mr Justice Rumpff: 'What is the value of participation in the Government of a state of people who know nothing?'

Mr Nelson Mandela: 'My Lord, what happens when you vote. . . .'

Mr Justice Rumpff: 'Are they not subject as much to the influence of election leaders as children would be?'

Mr Nelson Mandela: 'No, My Lord, this is what happens, this is what happens in practice. A man stands up to contest a seat in a particular area; he draws up a manifesto, he says "These are the ideals for which I stand"; it is a rural area and he says "I am against stock limitation"; then, listening to the policy of this person you decide whether this man will advance your interests if you return him to Parliament, and on that basis you vote for a candidate. It had *nothing* to do with education.'

Mr Justice Rumpff: 'He only looks to his own interests?'

Mr Nelson Mandela: 'No, I am being practical. . . . A man looks at a man who will be able to best present his point of view and he votes for that man.'

On non-violence, Nelson was adamant, unshakable. The Congress weapon was non-violence, because Congress believed that non-violence should be employed to achieve the aims of the Freedom Charter. 'Even if it would take a longer time, the Congress was still committed to non-violence.'

It seemed to me that Advocate Hoexter realized the futility of cross-examination of this witness; he dutifully followed the pattern of the Crown cross-examination, questions on the Youth League, the Defiance Campaign, political theories, Nelson's views on Communists, his own writings, his explanation of articles appearing in various journals, but Nelson was too big for him; his mental stature was too great, his clarity unassailable. He retracted nothing, he hid nothing. His views had changed about Communists; he had been one of those who supported the unsuccessful resolution in the Youth League for their expulsion, but when he had come to work with them later, he had discovered that his views had been unjustified and recognized the devotion and loyalty of such people to the African National Congress and realized that Congress had been right in accepting members irrespective of political views, provided they supported the objects set out in the constitution.

Speaking unhesitatingly, unemotionally, Nelson explained his own views and theories. He favoured the idea of a classless society; he was attracted to socialism. He was uncompromisingly anti-imperialist, seeing in imperialism the roots of the evil in South Africa. He was impressed by the stand of the Soviet Union against imperialism but had no desire to reproduce their social system in South Africa. But these were his views, he explained, not necessarily those of the African National Congress. Others could and did hold different views.

FRIDAY, AUGUST 5TH. We wrote to the Minister:

'The Honourable the Minister of Justice
Palace of Justice
Pretoria

Sir, We, the undersigned, have been arrested and detained at the Pretoria Gaol at your instance since you declared a State of Emergency in the Country.

In our view there was no justification whatsoever for the declaration of the State of Emergency and our arrest and detention. We are convinced that our arrest and detention is an arbitrary act motivated by a desire to intimidate and persecute us for our opposition to your policies.

This view is confirmed by the appalling conditions under which the non-Europeans have been kept in detention, and against which

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we have protested to the Security Branch, the prison officials and to yourself. It is regrettable that you have not, consistent with the dignity of your office, considered it appropriate even to acknowledge our former letter to you.

We do not wish here to refer to these conditions in detail. Suffice it to say that the food we are given is not fit for human consumption and the conditions are shockingly unhygienic and appear to have been designed to ruin us physically and mentally.

Our experiences during detention have convinced us that non-European prisoners and convicts are indiscriminately subjected to the most harsh and cruel conditions as retribution for their misdeeds. While we do not consider that these conditions are fit and proper for ordinary criminals it is our view that you as a political leader are well aware of the fact that political prisoners are not criminals nor anti-social elements but people who have views on political and social problems to which you might be hostile. However much you might not approve of their views, there is, we think, no justification for regarding and treating them as ordinary criminals.

We have now been detained at your pleasure for four months and no formal charge has been preferred against us. Our continued detention is unwarranted and in the circumstances we hereby demand our immediate and unconditional release.

Yours respectfully

No other releases during this week and we decided that Leon's horse had been scratched. On Saturday I sat in the yard, and I kept my eyes steadily fixed on Matron's office, thinking that I might just see the Special Branch arriving with my release.

AUGUST 8TH. To Court, and everyone excitedly speculating on when we should be going home, for we had heard that the Emergency Regulations would be lifted before the Referendum on the Republic, though we were prepared to be the last. Nelson continued his evidence and then on Tuesday we heard that Judge Kennedy was very ill indeed, and the Court adjourned until the following Monday. We settled down to relax again. The men reported raids on their cells in the gaol, and they were no longer allowed to bring in the food which their visitors brought them on visiting days to the Court. And I found a bug in my bed! One of our lawyers was so

shocked that he rushed out and bought me a small tin of Keatings, which I gladly accepted.

AUGUST 9TH. Nelson has finished his evidence, and as he stepped down from the witness box I wanted to applaud, and I wondered what had been in the minds of the Judges as they listened to this great leader of the African people, this man the Nationalist Government had forbidden, in its suicidal policy, ever again to be a member of the African National Congress.

AUGUST 10TH. On the way back we arrived at the local gaol just at the moment when some of the other detainees were being released. There were twelve of them, and as we greeted each other, joyfully, they told us that thirty or forty more were going home the following morning. Their families were outside to fetch them, and it was quite an occasion, despite frowning warders and policemen outside the gaol, but no one cared and there were many cries of '*Afrika!*' Now it *couldn't* be more than a few days before we too went home.

During the following week there was nothing but horses and rumours. But no more detainees had gone. We thought each week would be our last; we almost expected each day to be the last.

AUGUST 18TH. A 'horse' provided by the driver of our lorry kept us in high hopes for a week, and then we had to scratch that one too. Ntsangani had been in the box; he thrilled us when he turned on Advocate Trengove in a dramatic flare-up. 'Stay in oppression for ever? I will NEVER!' He had faced the Court boldly, arrogantly—and clashes arose frequently between Prosecutor and witness.

'I'm afraid I don't know what you are talking about Mr Trengove,' declared Ntsangani, and later. '*You* are not well informed about the African National Congress activities!'

Morale and good humour were still high among the accused, despite disappointments. We heard that the Emergency would be lifted for Settler's Day, September 6th, and if so we'd probably go on September 2nd—two more weeks. More lovely flowers from Hannah and gay carnations from Naomi.

We knew the climax of the case was near when Robert Resha began

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his evidence today. The Crown had thrown all its despairing weight into trying to prove that the campaign against the Western Areas Removal Scheme had been planned deliberately to provoke the government into using violence, so that the masses of the people would retaliate: 'contingent retaliation', Advocate Maisels was contemptuously to label this Crown theory which had been born during the defence evidence; it was not in the indictment, nor had it emerged during the leading of the Crown evidence.

It was Resha's speech which Pirow had quoted in his closing address in the Drill Hall, screaming the words across the listening Court, 'If you are called upon to be violent you must be absolutely violent, you must murder, murder, that is all!' His rasping voice had broken on the last words. But Pirow had deliberately left out the preceding part of Resha's speech; had torn the goblet right out of its context.

'A volunteer is a person who is disciplined. This is the key of the volunteer—discipline. When you are disciplined and you are told by the organization not to be violent, you must not be violent. If you are a true volunteer and you are called upon to be violent, you must be absolutely violent, you must murder, murder! that is all.'

I looked at Trengove and saw an expression of satisfaction on his face. *He* was to cross-examine Resha.

The opening of Resha's evidence was dramatic: Examined by Advocate Fischer: 'Mr Resha, I think you were born at Queens-town on the 9th March, 1920?'—'That is so.'

'And I think your home language is Xhosa?'—'That is so.'

'You are a married man with two children and you lived for a number of years in Sophiatown?'—'That is correct.'

'During approximately what period did you live in Sophiatown?'—'I think from 1919 to 1919.'

'What happened in 1919?'—'In 1919, while I was in this place, the re-settlement board demolished the house in which I lived, throwing my property outside the house whilst my wife was away at work, and my children were at school.'

'When you arrived home that evening you found your property on the pavement?'—'Fortunately there are still good people in this

country who looked after my belongings until I came back from this case.'

'Did you receive any notice about this demolition of the house?'
—'I did not receive any notice.'

Before the Court stood a man who had suffered these things himself, during the very trial itself. One day he had sat in this Court and had gone home to find his furniture out in the street, his home razed flat to the ground.

He stood in the witness box, proud and defiant, and described as no other amongst us could, the rape of Sophiatown, once a multi-racial township where Africans could own their own property, where the people thronged the streets, a township teeming with life, and today in ruins, bulldozed to the ground, worse than a bombed city.

Robert told the dramatic story of the Western Areas Removal, the determination of the people not to leave their homes; the 2,000 armed police on the day of removal; the duty of the volunteers to see that there was no physical resistance by the people.

A man of his people, Resha embodied the militancy of the African National Congress. Forthright and fearless, he is possibly the most brilliant and skilled orator in the whole Congress movement. I have seen Resha stand up before a hostile audience and play on them like a musician on an instrument. His emotions are strong, his anger easily aroused by the suffering of his people. He stated in his evidence that he sometimes had grave doubts about the policy of non-violence in the face of the brutal methods used by the Government in imposing its inhuman policy on his people, and its readiness to use force and violence against every endeavour of the people to improve their lot and obtain political rights. 'Sometimes I feel we too have the right to use violence at times.' But when he considered the African National Congress policy calmly, he realized that the only wise policy was that of non-violence. On the platform of Sophiatown he was profoundly angry at the forcible removals, the destruction of homes and property, often the savings of a lifetime. Ugly incidents and injustice 'would make his blood boil', as he put it himself, and he admitted quite openly that the cruel suffering of his people had led him sometimes in his anger to go beyond Congress policy in a speech. But there was no breast-beating about Resha, no '*Mea culpa! Mea culpa!*' What he had said, he had said.

As he stood there, arms folded, this man transcended the con-

finer of the Court. He was the African people; no suppliant, but demanding his rights, demanding justice as one who will not be denied. Bearded, short, powerfully built, former President of the African National Congress Youth League, prominent in the African National Congress Executive, Resha was a national figure among his people.

When Trengove rose to cross-examine Resha, the whole atmosphere of the Court became tense. Resha's physical attitude changed; the very angle of his head as he turned to answer Trengove's questions revealed his hostility, his utter contempt for this representative of the Crown, who had so smeared the Congress movement, who had attacked and vilified the Congress principles.

Trengove launched his main attack by suggesting that it was part of the tactics of the African National Congress in the Western Areas, whether in connection with boycotts or anything else, to create a situation in which the police *have* to interfere to restore law and order 'and then you blame the police for the consequences'.

Resha replied indignantly that this suggestion was unfounded and that there was not an iota of evidence to suggest it.

Advocate Trengove: 'You exposed innocent people of the Western Areas to these conflicts between the police and subversive elements to suit your purpose.'

Mr Resha: 'You don't know what you are talking about!'

Resha affirmed emphatically that the African National Congress and the other Congresses were *particularly* concerned with the legality of the methods of resistance, and had obtained legal opinion. The African National Congress had always known that the Government was 'keen on a racial clash, as for example in the case of Sharpeville where innocent people were murdered in cold blood by this Government'. But he stressed that the Congress and its allies had done everything possible to avoid a bloodbath . . . and fortunately they had succeeded.

Advocate Trengove: 'One of your objects was to force the Government to remove the people by intimidation and force.'

Mr Resha: 'That is absolutely incorrect and most unfounded.'

Advocate Trengove: 'You wanted to provoke the Government to use force and intimidation.'

Mr Resha: 'Never at all . . . our aims were to defeat the Government by preventing it from removing the people from the Western Areas.'

MONDAY, AUGUST 22ND. No more news of going home and we decided unanimously that all horses were to be scratched and no new ones were to be entered; we'd had enough of rumours. There was great excitement in Court over the application for a special entry, arising from questions put by Judge Rumpff, and then followed the application for his recusal.

It was a question to Robert Resha that triggered off the dramatic application for Judge Rumpff to recuse himself from this trial. Our Counsel began to examine the record of the evidence given in their absence, and what they read there determined their decision to apply for the recusal of the Judge President.

AUGUST 23RD. Bram's application for the recusal of Judge Rumpff was a masterpiece, and we listened spellbound. In his addresses to the Court, Bram was superb; he took the Court into his confidence, speaking softly and gently, but pursuing his argument quite implacably. His is always the reasonable approach, the appeal to the rational. He is the master of persuasion, yet he can say the most deadly things in the most gentle way. In the most courteous manner possible, readily conceding that his Lordship might well not have realized the consequences and the implications of his questions to the witnesses, the effect they would have on the accused, there was Bram Fischer, QC, making one of the most pointed applications for recusal that any judge can have heard directed against himself.

'May it please Your Lordships. This application, My Lords, is based on the old and accepted rule that it is of fundamental importance that justice should be seen to be done or seem to be done. Our submission, My Lords, with respect, is that justice will not be seen to be done in the present case if Your Lordship the Presiding Judge continues to sit in the matter, and we base this on your Lordship's interventions during the evidence of the Defence witnesses. We say, My Lords, that these interventions have created the impression that Your Lordship has not approached the evidence of the Defence witnesses with an open mind or with impartiality, and that Your Lordship has consistently thrown Your Lordship's weight in on the side of the Crown. . . .

'My Lord, to try and summarize our attitude, we shall contend

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that Your Lordship allowed yourself to become involved in political debate with the witnesses and unfortunately that occurred in such a manner that it appeared that invariably Your Lordship was taking up an attitude hostile to that of the witnesses, being the Accused in the case. Secondly, My Lord, that Your Lordship permitted himself to descend into the arena quite frequently and vigorously. . . .

‘In other words, My Lord, the common human factor enters very strongly into a case of this nature that when once one has adopted a particular attitude in a political dispute it is extremely difficult, it is almost super-human thereafter to try and divorce oneself from an argument put forward and take an entirely impartial view of the dispute.

‘. . . Your Lordship’s motives and objects in questioning the witnesses are not raised in this application at all; they are not in question at all. The only problem that arises is what effect the questioning created, or creates, in the minds of the accused and so the problem is whether the questions have created an impression that justice may not be done. And if they have created such an impression, My Lords, Your Lordship in our submission will grant the application and recuse himself.’

AUGUST 28TH. Now I began to look forward eagerly, for the Emergency was to be lifted on August 31st and we must at last go home. The last Sunday in gaol! Surely nothing could stop us now? I had a gay feeling of doing everything for the last time: the last sweet to little Koos, the last time that I should sit in the yard under the palm tree and look at the *kopje* above the high prison walls. I knew all those trees up there, every one of them. Today would be the last visit from Father Lovegrove who had been so kind and understanding. Even the wardresses seemed sad to say good-bye. Little Lombard said she would think of me whenever she stood at ‘that gate’ and said when I look at my palm tree in my garden next Sunday, I must think of her—and would I remember the people here? Tomorrow we shall hear Judge Rumpff’s reply to our request for his recusal.

AUGUST 29TH. Mr Justice Rumpff, in a long and detailed reply to the Defence application, has declined to recuse himself.

'... The submission now by Mr Fischer is that the cumulative effect of those passages and those that come after must be considered, and relying on this rule that justice must be seen to be done, the Defence has asked me to recuse myself. A party to a case has of course the right at all times to ask the judicial officer trying his case to withdraw, if the party thinks for some good reason the judicial officer should not try his case. It is a right which is always given full protection by the Courts. In South Africa, applications for recusal are fortunately rarely made. Depending on the circumstances an application of this nature may bring with it an attack on the impartiality or integrity of the Court. It is obvious therefore that a procedure of this nature is not lightly embarked upon. I regret to state that in my view the present application has been made without any grounds which could possibly support it. In my view the application has been made either without full consideration of the record of this case, or under a complete misconception of the rights and duties of a judge. . . .

Bram accepted the strictures of Judge President with the utmost dignity. He had made the application on our behalf because he knew that to be the right course: we knew it, too, and we loved and admired him for his courageous stand. Bram was always our friend, our counsellor, near to us, dear to us, he shared our victories with us, just as he had shared our cares and anxieties through these long years.

But to speak of Counsel only in our Defence team would be to paint but half of the picture, for there, behind the scenes, the 'back-room boy' of the Defence, was our Attorney Michael Parkinson, ex-RAF winner of a Whewell Fellowship at Cambridge, formerly a lecturer in international law. Gigantic of stature, with a rapier tongue, and a delightfully bawdy wit, he was the arch 'conspirator'. He planned and directed the defence with consummate skill, sparing neither time nor energy. In Court he would sit beside Counsel advising, suggesting—sometimes to us, it looked as though he were insisting! It was an experience not to be forgotten to see him in action, pouncing on a point in argument, heaving himself out of a chair, marching out of Court, not at all unobtrusively, to return speedily with ever more law books. In moments of excitement we would see him, almost lying across Counsel's table, making an

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emphatic point to Bram or Kentridge while another advocate was on his feet. But if his physical impact on the Court was immense, his mental impact was even greater as he planned the defence strategy: time and space were his servants, and he scoured the earth to build his case. Gleefully he would share with us some victory over the Crown; often as he left Court, he would bend down and pass some probably unrepeatable comment and I would see Duma and Nelson chuckling quietly; but they wouldn't always tell me what he had said! It was a strange relationship that developed between us and this man of boundless energy and brilliant intellect. To us he appeared a diehard Conservative, and we privately called him '*Mayi-buye* Whitehall'. To him we appeared, I am sure, political extremists at the very least, and he gave us many digs about our literary tastes. But we came to a mutual understanding which was stronger than our differences.

Even the State of Emergency found him as irrepressible as ever. After we had withdrawn the mandate to our Counsel, when we were supposed to be completely cut off from the public, Michael Parkinson, as our attorney, was still there; one day he sat right behind us until Justice Rumpff asked the Registrar pointedly, 'Who is that man at the back of the Court?' An odd question to ask concerning an Attorney of the Court who had been present in Court with Defence Counsel almost every day for some eighteen months already.

AUGUST 31ST. We left the gaol! Monday and Tuesday were days of excitement and suspense—no word came about our release and all others were ~~gone~~, Tuesday. But we *knew* that on Wednesday we should be free, *must* be free again. On Tuesday night when we returned to the gaol, the Matron told Lilian and me that all was arranged at last. I hugged her for joy! There would be an extra van coming for our luggage and I was to pack up and be ready by eight next morning. There was a general feeling of excitement, even in our gaol, as I went up the stairs and into the dormitory for the last time accompanied by a wardress with her jangling keys. At first I was too excited to pack, and even played around foolishly with an unfinished jigsaw puzzle. Then I realized how ridiculous that was and began to pack up. Oh, what a lot of stuff there was, *my* clutter and other people's clutter! But by 1¹ pm it was all packed into fourteen packages of varying sizes: food, kitchen utensils, jigsaw

puzzles, flower vases, books, clothes, and seventy-two volumes of the treason trial records. At last it was done and I had pasted labels, 'Joseph', on all the boxes. Could this really be me going from gaol?

At eight the next morning the great moment arrived and the doors were unlocked for the very last time. The wardress gasped at the number of packages and then brought up a team of prisoners and they loaded up all the parcels on their heads and off we streamed, as though on safari, out of the big dormitories, down the narrow passage between the cells where Lilian and I endured so many hours of loneliness for those first twenty-one days, past Hannah's little cell, where we were so happy together. Happy is a strange word to use for detention, but we *were* happy in there, the little cell was full of gay laughter and talk—and tears, too. To the gate for the last time, and there was Lilian with *her* many parcels and the lorry was waiting outside. The door was open! But now came a minor crisis. The women prisoners had brought all the packages to the door, but they couldn't take them outside, so *who* was going to load them on to the lorry? But the problem was soon solved, for the 'pushers-and-pullers' were inside, the team of convicts who must be sent for every time a drain is blocked, and they took the parcels and loaded up the lorry. The wardresses were standing around at '*Die Hek*'* to see the last of the '*Nood Regulasies*'† and we all waved good-bye to each other. Matron was actually standing outside on the pavement to speed her parting 'guests'. I said good-bye to her and she mumbled that she 'wasn't always so nice' to me, but she said finally, 'I pray God you may never come back to this place'. I laughed and said 'Well, you never know, Matron.' What did I care about the future now? I was leaving the gaol and that was all that mattered. And we didn't have to shed any tears for we were leaving no one behind. We had no papers, no conditions, nothing. In fact we were not 'released' at all. But the EMERGENCY HAD BEEN LIFTED AND WE WERE FREE! WE WERE GOING HOME!

Into the lorry and I saw the gaol door close, the door through which I had passed so many times, the door on which I myself used

* '*Hek*' is the Afrikaans word for gate.

† All detainees were known as '*Nood Regulasies*'—Emergency Regulations.

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to knock for entry when we came back from Court, clutching my plates and my handbag, my knitting and by briefcase! A funny sort of prisoner.

Down to the men's gaol, to the 'local', and there I saw before my astonished eyes Pat Malaoa and Tembikile Tshunungwa; they were standing outside, they were free! I don't know why I was so astonished, but I was. The others were all coming out, also with much baggage. We greeted each other jubilantly, a little crazily, for this wasn't like anything we had imagined, no formal release, we were just outside and free, standing around in the street again. Pat and Tshunungwa decided to walk to Court, just to get the first real taste of freedom, but the rest of us decided to ride at the Government's expense, by choice this time. And so to Court and there we rushed to our café to get 'freedom' coffee and I found myself solemnly walking across the road and back again, just to see what it felt like. I hadn't crossed a road for five months. And it felt very good indeed. Friends had not yet arrived to greet us, as no one really imagined that we would be free so early. There had been much speculating among us as to the hour at which the Emergency Regulations would be lifted and dire threats from us of suing for damages if we were kept even *one* hour after it had happened. But it seemed that the authorities were not taking any chances this time, for the lifting of the Emergency was only gazetted during the morning and we were already out. At tea time there was our Mrs Pillay, and she wept, this time for sheer joy, as she took me in her arms. She had her children back again.

Our friends from Johannesburg were not there yet, but the lawyers brought us messages that this one and that one would soon come. The Court was asked to adjourn so that we could have the afternoon to be with our families, and we discussed whether we should ask the Court not to sit on the Friday morning, so that the Port Elizabeth accused could go home for a long weekend to see their families. *They* hadn't been home for eight months, not since Christmas. I don't think any of us listened very much to the case; Robert, one of our most important witnesses, was in the box, but all our thoughts were on our freedom and at a quarter to one we adjourned and our friends began to arrive; there were joyful reunions and there I was in a car and driving out of Pretoria—*past* the gaol, *past* the gaol at last!

Great parties and welcome in Johannesburg. Bouquets, telegrams, friends—it was all so wonderful and heartwarming.

As I drove to Pretoria again, back to Court the next morning, I looked at the countryside; it was spring and I had spent the whole winter in gaol. The trees were budding, the grass was greening—yet I hadn't seen it go brown for the winter.

Back at the Court, we eagerly exchanged news of the greetings and welcomes of the previous night. All the accused were there, the treason bus was running again. Rapid plans were made and a car hired for the Port Elizabeth men to go home for the weekend. A six-hundred-mile journey, but they must go.

But after lunch we saw Advocate de Vos come into Court with some law books, and we exchanged glances apprehensively. What did he want to argue about? And just before four o'clock, just as Judge Rumpff was actually adjourning the Court, came the bomb-shell. The Crown had an urgent application to make—an application for our re-arrest. We were stunned. This couldn't be true, not after five months in gaol and only one day of freedom. I found myself muttering angrily, 'The dirty bastards, the dirty bastards!' and I felt my hands shaking a little with sheer rage.

Our position as accused on a charge of high treason, up to the declaration of the State of Emergency and after it, had been peculiar and unprecedented. From the beginning of the Preparatory Examination we had been on bail, but when the Crown withdrew its indictment in October 1919, our bail conditions lapsed in terms of the Criminal Code. From that time we were neither under arrest nor on bail and when we came to Court on the next indictment we came on summons, just like any other persons who may have to attend Court for a parking offence. But now for the first time since December 1919, the Crown was asking for us to be placed under arrest again.

Maisels looked indignant and spoke with anger in his voice. Parkington marched up and down muttering with rage. Court adjourned for the Crown and the Defence to prepare further argument. Parkington, our attorney, said, 'If we stay here until midnight, we'll go on arguing! They can't do this!'

We went over the road to have coffee during the adjournment, in the café which we had made our own, the one café in Pretoria,

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perhaps in the Transvaal, where we had broken down Apartheid over the years and all drank our coffee together. At first there was the grave difficulty of mugs for non-Whites and cups and saucers for the Whites, but we soon fixed that and we all used mugs. Here in Pretoria, in the very citadel of Apartheid, we had set our mark in this café. But this night we were angry; the Press came over to interview us and then we went obediently back to the Court again, perhaps to be re-arrested. We thought it would be a long 'sit' this time, if we were taken into custody again. Would bail be granted if the Crown succeeded? Or must we 'sit' to the end of the long trial?

The Port Elizabeth men had not even *seen* their families—their car was to leave at 8 pm from Johannesburg. Back into the Court, where we sat, now tearing up private letters and telegrams of the previous day's rejoicing into little shreds. Under the benches were little piles of torn-up paper. No sense in taking private letters to the gaol—we had learnt that lesson long ago. Then I thought of Matron's face if I was brought back to the gaol, now as an 'awaiting trial' prisoner. I looked around me. Faces were grim, unhappy, and angry. Some heads were down; there was a little despair. Another adjournment and back to the café again. We jokingly counted each other to see if anyone had slipped away. But we were all there.

When we went back to Court Bram and Maisels still looked angry; they said it was intolerable, unheard of. We didn't see the police vans around, but we knew they couldn't be far away, and there were a few Special Branch men hanging around.

Then at seven o'clock it was all over. The Court had accepted the Defence argument that bail conditions had lapsed in October 1958 and that the Court had no power to order the arrest of the accused. In any event, no grounds for this application were ever stated by the Crown. A high-ranking police officer had been brought to Court to support the Crown application—but no one ever heard what he had to say. Of all the applications made by the Crown, this was certainly the meanest.

Bram Fischer came to us as we stood outside the Court, a little uncertainly waiting for the treason bus. 'Please go, go right away from here,' he begged. He felt we were not really safe, even then. Then the Press surged up and I said, 'I'm getting out of here, very smartly, before anything else happens.' I went to my car and I found two parking tickets.

AFTER THE EMERGENCY

SEPTEMBER 6TH. Our holiday weekend is over and we are once more sitting on our hard benches, and very hard they are, too, though some of us have succumbed to a flat cushion. Somehow the Court seems different now that we have resumed our 'normal' lives. It acquired an air of homeliness during the detention period as we spread ourselves over it with our books and personal things. It was always more pleasant than the gaol, for we were together and had some sort of freedom within its confined space. Now most of the policemen have gone, for since last Wednesday we have no longer been prisoners to be herded and guarded and gaoled. Only the Court Sergeant and one or two other police orderlies remain.

The men from the Eastern Cape are back. They have travelled fifteen hundred miles and more during this weekend dash to see their families again after so many long months of separation.

Resha is still in the witness box, his antagonism has been flaring openly. Trengove faces a formidable opponent who speaks not only for himself but for all of us, and we delight in Resha's handling of this prosecutor. Even the traditional form of address, 'My Lord', has disappeared. It is Resha v. Trengove and 'Mr Trengove' prefaces and ends every statement, until Trengove can stand it no longer, and complains that Resha continually addresses him by name, appealing to the Court to instruct the witness to address Their Lordships. But the Judge President is not prepared to be involved in this duel and urges the Prosecutor not to take it amiss, suggesting to Resha, 'I think it will be easier if you don't mention any name at all'!

Trengove comes back again and again to the new theme of 'contingent retaliation' but he hasn't made the slightest impact on Resha and the mutual antagonism only becomes acerbated.

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Advocate Trengove: 'You want the Government to use force and intimidation.'

Mr Resha: 'We want to struggle and no amount of force and intimidation will deter us!'

Advocate Trengove: 'You know full well that the situation you were creating in the Western Areas would be a spark to start off a conflagration.'

Mr Resha: 'We know the Government wanted to start a conflagration because it wants to rob the people of their rights and threatens force. The Government sent two thousand armed police to remove the people.'

Advocate Trengove: 'You regarded that as a victory?'

Mr Resha: 'Yes, because they went away without shooting one person!'

Trengove persisted: 'In the Western Areas, you embarked on a vicious and ruthless campaign using masses of innocent people and provoking violence between the Government and them.'

Mr Resha: 'There is no evidence anywhere before this Court of such action. The African National Congress is clearly and completely non-violent. Throughout the Western Areas Campaign not one Congressman was arrested for anything arising out of violence, despite the actions of the police who broke down doors and other such things.'

To the insinuation that the African National Congress slavishly followed the Soviet Union in international policy and was susceptible to influence by other organizations, Resha replied with cutting pride and dignity: 'The African National Congress is an organization consisting of intelligent and mature politicians who at any given time will make their own interpretation. Such men as Chief Luthuli are head and shoulders above the politicians of South Africa. To think that we are dictated to is an insult to my organization.'

Trengove has returned again to his suggestion that the African National Congress was deliberately striving for a bloody clash between the Government and the masses and Resha defiantly replies: 'Your wishes have nothing to do with the policy of the African National Congress. Our policy is clear, it doesn't support violence. We want happiness for all people. . . . Our policy has always been non-violence. The man to accuse us of violence has yet to be born.'

Resha has painted an ugly picture of South Africa, the true picture in all its stark reality of discriminatory laws, of police brutality

and shooting. He has spared the Court nothing. He has spoken of what he has seen and experienced himself, people killed and wounded, batoned down by the police, killed 'running away from permits'; of women giving birth in the streets of Newclare and on the veld outside Sophiatown; of his anger at Bantu Education and the destruction of homes. 'All these things and others were working in my mind,' he said; he has spoken sometimes as a violently angry man.

SEPTEMBER 8TH. Now Gert Sibande is in the witness box, a man of sixty years, a true 'son of the soil', with a lifetime of poverty and devotion to the struggle for the rights of farm labourers.

From the witness box, Sibande tells the story of the life of a labour tenant, the cancelling of contracts before a tenant can reap his crop, the crippling debts owed to farmers for food advanced, the refusal to allow children to go to school, the payment to the head of the family for labour instead of the wage to the labourer.

Sibande, who emerged as the leader of the farm tenants, formed the Bethal Farm Workers Association and became their spokesman, bringing them in to the African National Congress in 1936, leading deputations, writing to Cabinet Ministers and to MP's, interviewing Native Commissioners. And he paid a heavy price for this fight for his people. In 1919 he was served with an order deporting him from the Bethal area. The Special Branch detective who brought the order told him triumphantly, 'Today this is the end of it. You will never again see anything that is wrong here and tell the world about it.'

But today Sibande is telling the Court with simple force how African farm labourers have to live. He speaks of what he has seen and known himself: of African farm labourers who were told to take off all their own clothes and were given sacks to cover themselves, men who had to work 'early and late' and to eat their food 'from the floor like pigs'. Some labourers died from cold; he saw and touched their bodies at the police station. . . .

Judge Kennedy has been taken ill again and the Court is told that there must be another adjournment. Home we go again, and this time it is really home, and not back to the gaol.

SEPTEMBER 19TH. The Court resumes and Sibande goes on with his dramatic story of sacrifice and persecution. He tells how in 1953 he was served with an order to leave the Bethal district.

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Eight days he was given to prepare himself to go away—where to? He went to the Native Commissioner. ‘My Lord, on the eighth day I went and saw the Native Commissioner. I then said to him, “What must I do? Where should I go to?” The Native Commissioner then said, “I want to tell you this, there is not a single European on the farms that will accept you. The only thing that I can advise you to do is to buy a little cart and trolley and inspan donkeys and keep on moving on that thing on the road all the time. And when it is winter you go to Swaziland where it is warmer.”’ The magistrate said to Sibande that he must go back to Ermelo, where he was born. But there he was arrested again and told that South Africa was very big and he must now leave Ermelo.

SEPTEMBER 21ST. ‘I think it is an insult to say that my memory fails me because I can’t remember a meeting in 1919!’ Massabelala Yengwa protests indignantly as he faces Advocate Trengove’s question on meetings, documents and speeches. We have called him as our witness. He is one of the other sixty-one accused who have already attended more than two years of the trial and are now awaiting the outcome of *our* trial: the quashing of their indictment was a technical matter and the charge of high treason still stands against them. They may all be re-indicted later.

Quiet, soft spoken, composed and completely at ease, a Bachelor of Commerce, former Provincial Secretary of the A.N.C., Natal Volunteer-in-Chief during the Defiance Campaign, Yengwa is more than a match for the wily aggressive Prosecutor, as he deals with the Congress of the People, the Defiance Campaign. ‘It was *not* mass lawlessness. It was a campaign to redress grievances. . . . We were not deliberately flouting laws, but our hope was that the Government would be reasonable and discuss the grievances. . . . The way we looked at it was that the arrests would not lead to violence. The people would be non-violent.’

He gives a classic reply to Trengove’s million dollar question as to where the money was to come from for compensation for land expropriated and redivided in terms of the Freedom Charter. ‘From taxation and investment as in the case of Bantustan,’* announces our economist. But he explains that the Freedom Charter merely

*These are the areas reserved for the Bantu, in which they are to ‘develop on their own lines’.

aimed at a fair redistribution of land; the mechanics would be for the future. There would be no question of dispossessing any particular race, in fact there would then be no races. Now the people are racially orientated, but that would die out and there would be a South Africa with a common patriotism and a new society 'where I shall look at all men as my brothers'.

SEPTEMBER 27TH. For the past few days we have been listening to the evidence of ordinary members of the African National Congress. From all corners of the land they have come, simple people of the country and the town, to say what the Congress has meant to them, and their evidence has been deeply moving.

'We wanted people to stay at home, so that the White people could realize the value of our labour and have a little bit of suffering. This would cause the Europeans to apply to the Government and say "Look, we are suffering! Meet these people and grant what they want." This is the best of all the medicine,'

said Isaac Bhengu of Ladysmith, now eighty-one and white-headed. There it was from this old man, an unchallengable definition of a stay-at-home. The Court had spent many hours questioning defence witnesses, on the difference between a stay-at-home and a strike. But it had taken Isaac Bhengu to tell the Court simply how the people understood it.

A lay preacher of the African Native Mission Church in Cape Town said he had joined the African National Congress in 1919; he had not taken an active part but had attended public meetings. He had understood that the African National Congress wanted equal rights for all races and wanted all races to unite so that they could speak to the Government 'in one voice'. He had not joined the African National Congress at first because he wanted to scrutinize it and 'would not have joined it if force or violence had been one of the methods to be used.' He had heard that peaceful methods were to be used, stay-at-homes, boycotts which would cause the electorate to speak to the Government, and 'then the Government would listen.' 'I am not one who likes blood to be spilt,' said Mr Monjoabane of Klerksdorp, while Mr Makwaza of Pimville in Johannesburg declared: 'I joined the African National Congress because

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it works hand in hand with what is expected of us by God. When I heard that it was against the spilling of blood and I heard that people must be together in harmony, then I joined.'

One and all, these men and women spoke of the non-violent policy of the African National Congress and after a few had testified, the Crown forebore to cross-examine them. Their evidence stood; to challenge such statements was beyond even the Crown. Their simple dignity and truth was unassailable.

From Chief Luthuli to Isaac Bhengu¹ and Makwaza we had listened to our witnesses giving the lie to the Crown allegations, speaking out their beliefs clearly and unequivocally.

OCTOBER 3RD. We have almost come to the end of our Defence evidence. Professor Matthews, Deputy President General of the former African National Congress has been called as our last witness. As Sydney Kentridge draws from him his qualifications, his stature in academic and public life emerges, dwarfing every other person in that Court, including the Bench itself. I almost laugh aloud when I remember the qualifications and experience of that other professor who sat in that witness box just a year ago—compared with *this* man.

Professor Z. K. Matthews took a BA degree as the first African graduate of the University of South Africa. He took the Diploma of Education and became the first African headmaster when he became Principal of Adams College in Natal in 1925. He also became the first African LL.B in 1930. He studied further at Yale University in the USA and obtained his MA degree there. He did post-graduate study in anthropology at the London School of Economics at the University of London. He travelled extensively in Italy and Germany in 1919. On his return to South Africa he became a lecturer in Social Anthropology and Native Law and Administration at Fort Hare, and in 1919 was appointed Professor as the Head of the Department of African studies. He also acted as Principal of the College.

Professor Matthews was a member of the Royal Commission in 1919 on Higher Education for Africans in East Africa and the Sudan; he then travelled in different parts of Kenya, Uganda, Egypt and the Sudan. In 1919 he again visited the USA as a visiting professor, dealing with the work of Christian Missions in Africa; he

was invited to attend the world conference of churches but was not able to do so as the South African Government refused to extend his passport. In 1919 he was invited to attend the Conference on Race Relations held in Chicago and was also invited to the United States as visiting professor, but on both occasions was unable to obtain a passport. Professor Matthews said that in 1919 he resigned his professorship after twenty-five years on the staff of Fort Hare because when the college was taken over by the Government it would be a new type of post and he would have become practically a civil servant; he would have had to resign from the African National Congress and this he was not prepared to do. He was now in practice as an attorney. In 1919 he was arrested for high treason, but the indictment against him and others had been quashed in April 1959.

Cape President for the African National Congress, Deputy President to Chief Luthuli, a member of the National Executive from 1913 until 1919, there can be no more authoritative exponent of the policy and development of the African National Congress. Completely at his ease, almost the professor in his study, he covers the history of the 1919's. He was the chairman of the Committee which drafted the Programme of Action of which the immediate inspiration had been the Indian Passive Resistance Campaign in Natal. The African National Congress had believed very definitely that this method could be used by its followers without any fear of their resorting to violence. It had been realized that the Government might react to these methods by applying force, but the African National Congress was prepared to face this. The alternative was for the African people to fold their arms and do nothing. 'That was unthinkable to us,' declared the Professor, and emphasized that no violence had ever been contemplated. 'We thought it important to stress the non-violent character of the campaign. We realized there would be breaches of the law but it was not mere lawlessness. It would be a protest against laws.'

It was not that *he thought* the methods of the African National Congress were known to the African people, 'I *know* they are known!' said our witness. Asked why the African National Congress has accepted non-violence, he explained that the African National Congress had consisted in the main of Christian people and that it recognized the character of the population and in view of the

proportion of the permanent population had realized that the adoption of violent methods would increase, not solve, problems. The African National Congress has accepted that South Africa must be a multi-racial democracy—it does not stand for Africa for Africans only. It believes that a violent revolution would leave an aftermath of bitterness and resentment that would cause the country to become unstable. In this country there was already the experience of bitterness that existed between the Afrikaners and English-speaking people from the Boer War. The African National Congress believes that the strength of the African people lies in their labour power, the economy rests on it and also on their buying power. This power cannot indefinitely be suppressed.

Advocate Kentridge quoted to the Court from Professor Matthews's own speech to the Cape Congress of 1952, before the Defiance Campaign:

'For the African people the process of nation-building lies, not in the humiliation and indignities to which they have been subjected in the past three hundred years, but in the future destiny which they are resolved under God to shape for themselves in the years that lie ahead. . . . The struggle on which we are entering will be long and bitter and it will be foolish to under-estimate the forces ranged against us. This campaign cannot be entered upon lightly without calm reflection, without due consideration of the consequences to ourselves and to our people. . . .

'It is obvious that in our present unarmed state it would be futile for us to think of an armed struggle against the powers that be in this country'. They have a monopoly of the death-dealing weapons devised by modern science. With our bare hands we cannot hope to stop aeroplanes, tanks, machine-guns and atom bombs, although history has shown again and again that the mere possession of force is by no means decisive in a war in which moral issues are involved. In the circumstances, our struggle will have to be a non-violent one . . . non-violence is not an easy form of struggle. It requires a degree of self-discipline and self-control surpassing that required of a man who fights behind the shield of modern armour. The only shield of a non-violent resister is moral principle and personal conviction, a shield which is impervious to modern instruments of coercion, but is not sufficient to protect the body from pain and suffering.

'There is no pleasure in suffering. It is when they see no alternative to it that people will willingly submit themselves to suffering such as this campaign is likely to bring about. The Africans are in that position today. Other people have been in that position before and they have undergone suffering in order to free themselves from the lingering death of humiliation and oppression. Other people have been faced with the choice which faces the African people today. Liberty or suffering, freedom or serfdom. The African National Congress is convinced that the African people will not be found wanting in the day of reckoning. Africa's cause must triumph.'

OCTOBER 7TH. The Defence case has been closed. Since Monday we have been listening spell-bound to 'Z.K.'s evidence, and to the Crown attempt at cross-examination. This had fallen to Advocate Hoexter's lot. Did Trengove fear to expose himself, that he left such an important witness to his junior? Professor Matthews treated Hoexter with almost fatherly patience, at times chiding him, at others sweeping aside his suggestions as of no importance whatsoever. And that indeed was his attitude to the Crown case. It was nonsensical, childish. Hoexter did his best but he was no match for his agile brain, which knew the answers before he put the questions. In fact 'Prof.' sometimes helped him out by finishing the questions for him.

'Just a lot of words!' was his comment on a letter put to him by the Crown.

Advocate Hoexter struggled manfully with 'No Easy Walk to Freedom', Mandela's Presidential address, hoping to induce his witness to agree that the real African National Congress view was that the Government would *not* negotiate in the event of the Defiance Campaign having reached a mass scale.

'We are talking of a hypothetical situation,' protested the Professor. 'Why is your hypothesis sounder than mine?' And to that there was really no answer.

Advocate Hoexter tried again, 'When the Defiance Campaign was suppressed it had reached a certain critical stage in relation to the stability and security of the State. . . .'

'Really, had it?' interrupted Professor Matthews, pleasantly sarcastic, 'I'm surprised to hear it.'

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Hoexter tried a new tack, propaganda material for the education of volunteers, the famous set of lectures on which the Crown had set such store in its efforts to smear the Congresses as Communist. Professor Matthews reduced the lectures firmly to the level of little importance; they were the point of view of a group of thinkers, and as such *quite* suitable for discussion. After all they were only part of the material for volunteers.

Advocate Hoexter leapt in with the suggestion that Professor Matthews took very little interest in a matter of 'cardinal importance'.

'I don't regard the education of the volunteers,' replied the Professor blandly, 'as *you* do, as a matter of cardinal importance. *You* seem to think the volunteers' task to be of such importance that the African National Congress couldn't function without it.'

In his evidence-in-chief he had dismissed the Crown's suggestion that the volunteers were being prepared for violence as 'preposterous'.

As the cross-examination went on, the Professor took complete command of the situation. On the slogan 'Africa for the Africans', he said, 'It is *not* an African National Congress slogan. In the African National Congress the idea is 'Africa for the Africans *too!*'

Urbane and unruffled to the end, Professor Matthews had covered a wide field in the evidence, had shown the African National Congress as he knew it—and who knew it better than he? His evidence was unchallenged, unchallengeable.

In his final argument, Advocate Maisels exclaimed, 'Professor Matthews really put this matter of provoking violence to sleep in a way which 'should prevail with anyone with commonsense!' adding that if Professor Matthews' evidence were accepted it destroyed the Crown case.

We called our first witness on March 14th, 1919: Accused Number Thirty, Dr Conco, to be followed by Chief Luthuli, President General of the African National Congress, alleged to be still a conspirator, though long discharged from the trial. Nelson Mandela, Robert Resha, Professor Z. K. Matthews, African National Congress leaders past and present, have taken the witness stand to testify to the policies and the activities of African Nationals. Some of the evidence we have prepared and led ourselves. Over the months the

history and the policy of the Congresses has been told, the unwritten history of the struggle for freedom has gone into the record of this trial. We who have listened every day know that we, and we alone in the Congress movement, have heard the full history of our struggle for freedom; in every facet, in every detail. It is a macabre university in which we study, facing a capital charge, but as the pages have been turned of the glorious history of the sacrifice and determination of the people, of the leaders, we have sometimes forgotten that we are on trial for high treason.

We have heard the giants of the Congress movement; and the contrast with the sorry performance of the Crown witnesses has been overwhelming. Many hours, days, weeks of the trial were taken up with the laborious evidence of the longhand writers, the Detectives of the Special Branch. The Preparatory Examination had already fully exposed the quality of the evidence, but still the Crown had the effrontery to bring these witnesses to this trial, where thirty people faced a capital charge.

Listening to cross-examination, we have often become angry at the attempts to confuse and to distort, but our witnesses were too strong for the Crown; they have been unshakeable. Our strength has been that we did not go into the witness box to lie ourselves out of trouble. We were there to affirm our beliefs, to state the simple truth.

It has been an unforgettable experience to listen to our Defence witnesses. Day after day they have remained in the witness box, steadily putting forward the Congress viewpoint, undaunted, consistent, courageous. I wondered very often about the judges. Could they be insensitive to the claims of such men as they had seen in the witness box? Could they live with the knowledge that these men had no vote? Could they link such men with the hard facts of South African life, the pass laws, racial discrimination, government persecution? But Luthuli has been sentenced to twelve months or £100 for burning his pass; Mandela has been forbidden ever again to be a member of the African National Congress; Professor Matthews, honoured by the whole academic world, has been held in gaol for months without trial.

And now, where is the Crown argument? They are not ready with it, not after all these months. Judge Rumpff comments that the Crown's request for a month's adjournment is 'extraordinary. ...'. He is 'extremely disappointed with the Crown' but there is nothing

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to be done but to grant the Crown's request for the Court to adjourn until November 7th (a date which Maisels points out is the anniversary of the Russian Revolution).

As we drive back to Johannesburg for this break we, too, are angry. These delays are very costly to us, in terms of both time and money.

NOVEMBER 7TH. At last we are going to hear the Crown case against us. Advocate Trengove begins; he says the Crown has proved its case beyond any reasonable doubt. Our fate is going to depend upon whether he can convince the Court that the Crown case has been proved. We are told that the Crown case will take about six weeks, so it should be over by Christmas.

Our Defence Counsel are all here, and there is to be a drastic change in the Court hours—for we are now to sit from 8.30 am to 1 pm with two breaks during the morning of ten minutes each. We gasp a little at the implications of being in Pretoria by 8.30 in the morning, but we know it is necessary so that our Counsel can study the Crown argument day by day. New arrangements are made for our treason bus, which must now leave the African Townships by 6 am—the accused who live in the furthest areas will have to leave their homes before six in order to catch it. For those four or five of us who are still struggling to hold down jobs, it presents a new problem, for we shall not be able to fit in any work at our offices in the morning before coming to Pretoria, but must dash back immediately after the Court rises and put in as many hours as we can. Stanley and I decide that we'll make an attempt to put in seven hours, a full office day all in one stretch. We can get to our office by 2.30 pm and go home at 9.30 pm.

Today we heard the Court finally dispose of Wilton Mkwayi, Accused Number Twenty-four, who made himself scarce on that fateful morning of March 29th 1919. We have known for some time that he is no longer in the country, and the Court rules that the trial should be considered as concluded in the case of this accused. We have sometimes speculated as to exactly what *would* happen if Mkwayi were to reappear—would *all* the many volumes of the record have to be read over to him, or would there have to be a repetition of the whole trial—just for Mkwavi? We have found it an intriguing prospect, either way.

NOVEMBER 27TH. Advocate Trengove has finished at last. For nearly two weeks we have listened to his passionate accusations against the African National Congress. The Court echoed to 'They knew . . . they knew. . . . They *knew* they were creating a situation which could result in bloodshed.'—'They knew this, they knew that—he knows—he knew.' So it went on, day after day. It seemed to us to be Trengove's desperate last-ditch stand. He can't prove the violence that he alleges, so all he can say is 'They knew! They *must* have known!' And this on a capital charge of high treason!

But Trengove has run into trouble over the longhand reporting of our speeches by the detectives and we delight in the caustic comments from the Bench.

Judge Kennedy is ill again and the Court has to adjourn until December 5th.

DECEMBER 5TH 1919. It's four years ago today since we were arrested at dawn on this charge of high treason. *Four years*—and we are still sitting here. True, the end is in sight at last, and we wonder what it will be. Advocate Terblanche is on his feet now, stating the Crown case against the Congress of Democrats, and he is experiencing heavy weather with the Judges who are critical of his method of presenting his argument. He explains that he is trying to shorten the proceedings, whereupon Mr Justice Bekker comments bitterly 'We have been here a long time. I don't know why there should be a rush at this moment.'

DECEMBER 9TH. It has been a bad week for de Vos, the leader of the Crown team. He has started his argument and has met with a positive barrage of interjections and questions from the Bench. Judge Rumpff has told him that his argument is 'not very helpful to the Court'. Caustic comment has been passed on the Crown's state of unreadiness, and Judge Rumpff has asked pointedly for the date when the Crown closed its case.

'Last March, My Lord,' replies de Vos. And now there really is silence in Court. Judge Rumpff makes no comment and the Court adjourns for tea.

DECEMBER 10TH. The treason Christmas party, and once again the Special Branch sit outside to see who comes; they take down car

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numbers. Inside are innocent little children clustering round Father Christmas and the Christmas tree. There are proud parents there, too, their 'treason babies' in their arms. This is our fourth treason Christmas party—there may be no need for a fifth, for this trial will be over. But how shall these little children understand that it was only a treason Christmas tree?

How many children are there? I don't think we really know, except that more than a hundred come to the Christmas tree every year. I look at them and realize that every child of four or younger has been born since we were arrested. Some children come in bright new clothes, others are a little shabby; four years is a long time not to earn a livelihood. Some don't come at all. Is it because they have no party clothes? All colours, all races, the children play happily together here, and in this hall is the South Africa of tomorrow.

Last year James Hadebe was incomparable as Father Christmas, singing *Nkosi Sikelele* with the children in his magnificent deep voice, whispering *Mayibuye Afrika* three times and then letting it go with a shout 'AFRIKA!' with the children echoing him joyfully. But this year he is gone out of South Africa, gone to represent us in other lands.

DECEMBER 15TH—19TH. The Crown has been told to recast its argument and Judge Rumpff is mightily annoyed. He says it would be a waste of time to proceed with de Vos's argument and Court has been adjourned until January 9th, to allow time for de Vos to prepare his submissions 'in a more profitable way'. It will be our last Christmas on the trial and we wonder where we shall be next Christmas—but one thing we do know, we shall not be sitting in this Court. Of course, we have said this every year for the past four years, but this time the end of the trial really is in sight. May is the fancied month for the end of all the argument and June or July for the verdict.

JANUARY 27TH. We have been back in Court for two weeks and have watched de Vos take another terrible trouncing at the hands of the Judge President, during the Crown argument; as leader of the team, he has to bear the brunt of the Court's displeasure at the haphazard way in which the Crown case is being presented. We delight in this exposure, as one after another of the Crown team are chased back

like school boys to do their homework over again, to prepare their case in a manner intelligible to the Court. But with our delight there is also anger at the scandalous waste of time; time which to us represents money and personal sacrifice. Legal costs are necessarily high and many hours, days and weeks have been wasted on the Crown's efforts to present its case.

'Why should the Crown take so many bites at the same cherry?' we ask. 'If it can't present its case, let us go home!' 'Going home' has become our accepted way of referring to acquittal—on good days we say 'We're going home, chaps.'

De Vos has preserved his imperturbable demeanour throughout, accepting rebuffs at the hands of the Court with unfailing courtesy.

FEBRUARY 22ND. Advocate Maisels, leader of our Defence team, has been appointed a Judge of the Rhodesian High Court. We write him a letter from all of us, and pass it to him in Court, when he is listening to the Crown argument.

'We, the accused in the treason trial, want to express our congratulations on the high honour which has been conferred upon you in your appointment, as a Judge of the High Court in Rhodesia, an honour which should have been conferred on you long ago in your own country. It is indeed a further measure of South Africa's shameful discrimination against all who oppose the vicious policies of the present government that this recognition of your unsurpassed contribution to our system of law should have to be made by another country.

'Throughout the long dreary years of our trial, we have been proud to have been defended by you, not only because we know that in you we have had the best defence that this land could supply, but we have been proud because we know of the magnificent legal battles that you have fought to preserve the rule of law, to prevent it from being whittled away by the unscrupulous machinations of the government.

'Our joy and pride in your appointment cannot but be fraught with sadness at your departure from South Africa; we look a little enviously at Southern Rhodesia who in gaining this addition to her legal ranks will gain the services of our most illustrious lawyer; but we will say here and now that in the free South Africa to come, we

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will welcome you back with open arms—we are only *lending* you to Rhodesia.

‘You take with you our most sincere and good wishes and our deep appreciation of the contribution which you have made to our struggle for justice in South Africa, and our appreciation of your confidence in us and the confidence which you have given to us throughout our trial. Words must be inadequate to express our feelings and our pride in you—we can only repeat, “We are proud of you and we shall wait for you one day to come back to a South Africa which will honour you as you should be honoured”.’

He reads our letter—it seems as though he reads it two or three times. Then he looks at us for a brief moment, deeply moved. He takes off his spectacles and puts his head in his hands, and thus he remains for a little while, before folding up his letter carefully and putting it away in his breast pocket.

The Crown has been arguing on us as individual accused. I stole a few looks at Resha when Trengove was arguing the Crown case against *him*; when Trengove referred to him as insolent and arrogant I saw Robert’s expression of concentrated anger and contempt. It has been a strange experience to hear ourselves personally branded as guilty of high treason, of having conspired to overthrow the State by violence. Advocate Terblanche says that I am educated and have ‘great experience and knowledge’—that seems to be my crime, that I *understood* the implications of the struggle in which I was involved. I am supposed, like all the others, to have foreseen that the struggle *might* lead to violence.

Advocat^e de Vos has been busy separating us into two groups—those who were supposed to be and those who were not supposed to be under Communist influences. We speculate a little frivolously as to which ‘camp’ each will be placed in—and find ourselves on occasion very much surprised. Moretsele, the veteran Transvaal leader, grumbles indignantly at the suggestion that he was under Communist influence, even though Judge Rumpff has put it to the Crown that in this case they may mean no more than ‘pinkish’.

De Vos got into trouble with his submissions on Duma Nokwe and Judge Rumpff told him curtly that if his following submissions on some other of the accused were the same as those already made, ‘I don’t think we need any further submissions.’ De Vos bowed, his

face expressionless, gathered up his papers and quietly walked out of Court. We turned to look at him as he walked past us, for on that occasion only he left the Court by the public door, not through the Advocate's door, as though he were unwilling even to pass the Judge who had so addressed him. It must have been a very long walk for this pocket-sized QC, but he was not without dignity then.

Now the end of the trial is beginning to seem very near indeed, after years of lagging, and we are beginning, almost for the first time, to speculate seriously on the verdict. I think what is uppermost in our minds is that whatever it is it must be all or none. We do not dare to think of the possibility of some going free and others not. We have been together too long for that.

MARCH 6TH. The Crown case has ended and as Advocate Trengove sits down, Maisels rises immediately to his feet to begin the Defence argument. For five months we have listened to the Crown's fulminations, the monumental mess that it has made of its own case. Towering in the Court, Maisels begins his attack, in simple everyday language. Such a man needs no flights of rhetoric; what he has to say is the more deadly for being simple. We listen eagerly. At tense moments his voice reflects his indignation and it rings through the Court,

Simplicity, humour, humanity are the hallmarks of this most brilliant of South African advocates. He denounces the Crown case and its handling by the prosecution with passionate indignation, yet his sense of the ludicrous often breaks through. Judge Rumpff takes him up sharply on his statement that the Defence would have to analyse *all* the so called violent speeches, 'even though it might take six to eight weeks'.

'Why do you mention the time?' queries the Judge President.

'It's a horrible thought to me, My Lord!' replies Mr Maisels, a deep chuckle in his voice. The Judge President comments coldly that he thought that it had been accepted that time was not an issue in this case, to which Maisels replies that he thinks the accused would not go all the way with His Lordship on that.

We nod our heads vigorously as Maisels makes point after point. It has taken more than four years but at last our own case is being argued. 'We admit,' says Maisels, 'that there is a question of non-co-operation and passive resistance. We shall say quite frankly that

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if non-co-operation and passive resistance constitute high treason, then we are guilty. But it is plainly not law.'

MARCH 19TH. After only two days of our argument the Court has called on the Crown to reply *now* to our points of law. But of course the Crown is not ready to do that, so tall Tony O'Dowd, one of our junior Counsel, begins our reply to the lengthy argument on Communism in the Congresses presented by Advocate de Vos. The argument by the leader of the Crown team had spread over some five weeks, but Tony disposes of it in the most matter of fact way possible—in one day.

MARCH 20TH. We have come sadly to Court, for on Friday Moretsele died suddenly. Our hearts are filled with sorrow and a deep anger about Retse, the 'father' of the accused, the oldest amongst us. We remember him, quiet, but full of fun; we used to tease him and be teased by him; often he slept in court, a weary old man, but with an indomitable spirit. I used to hear his rumbling comments behind me, and his deep chuckle at some of the absurdity of the evidence.

'We shall take it with our bare hands!' Moretsele, Transvaal President of the African National Congress, said this at a great mass conference and the Crown tried to make something sinister out of it. But we knew what he meant; just what he said: 'Our bare hands'—our bare hands and nothing more, no weapons, no violence, just our bare hands, the hands that work the soil and dig the gold, that carry the messages and sweep the floors, the hands that have built the prosperity of South Africa for others to enjoy.

And suddenly he is no more. What has killed him, this great-hearted old man? Was it the long years of the trial? For how should an old, weary man travel day after day five hours in a jolting bus, endure five hours a day sitting on a hard bench, endure five months of prison detention? Five months of crowding in a small prison cell. I can remember those visiting days, when we would see his wife come with the little covered basket, bringing food for her man. Sometimes there was a chicken and Retse would share it with us.

We asked him on Friday if he were not well, for he looked a little tired, but he denied it stoutly. 'No! I am all right.' And at five o'clock the beloved Retse was dead.

This great figure, beloved and respected by everybody—not just the father of the accused, but the father of the Transvaal—has gone to his last resting place with a Viking's funeral. Five thousand people of all races were there, come to pay their last respects to Moretsele. As I stood in the queue to take my place by his coffin for a few minutes, I felt triumph, not despair, for I knew that the spirit of Retse, the struggle in which he had given his life, was stronger than his death. We followed him to his grave. The accused who had sat out so many years on the trial with him carried his coffin, and on it was our wreath, green bay leaves for a hero, yellow daffodils for the gold under the earth and black ribbon for the people of South Africa. How many times had we stood together with Retse under these very colours, singing then as we sang now beside his coffin. *'Mayibuye Afrika!'*

Today we stood in silence when the Court adjourned—in memory of Retse. Our Defence Counsel stood with us for those few minutes.

Maisels and Kentridge continue their devastating attack on the Crown case—but Trengove is not to be seen—he must be desperately preparing his reply to the Defence legal broadside. Maisels insists that the Crown has just sucked the alleged conspiracy out of the air, and later explains, 'Professor Matthews really put this matter of provoking violence to sleep in a way which should prevail with anyone with commonsense!'—adding that if Professor Matthews's evidence were accepted it destroyed the Crown case.

MARCH 22ND. The Crown has replied to our legal argument, and Maisels has resumed his attack. And now Bram Fischer, QC, has begun his argument, which he has told us will last for three full weeks, for he will deal with all the so-called violent speeches. He begins by saying that the Crown has slung everything into the pot to see what sort of a stew it could produce.

The Court interrupted him during the day to ask him for his argument on reports of the speeches by the shorthand writers in the Cape and we wonder what this means. Bram is calm, unruffled, and continues gently and quietly.

MARCH 23RD. The Judges have cut Bram short in his argument and the Court has adjourned for their Lordships to study the case. We

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don't at first understand what this means, and then our Counsel tell us that it can have only one meaning—victory, acquittal. It is all so sudden that we are stunned and we don't dare to believe it. My hands are shaking a little when I ask 'What does it *mean*? What does it *mean*?' I get a smile in reply. 'Go home and have a good weekend.' We travel back to Johannesburg, tense and excited. No one says openly, yet, 'We are going to be acquitted.' It's as if we dared not speak of it, in case it doesn't come true. There are still six days to go before we return to Court. We said to each other 'We'll believe it when we hear Judge Rumpff say "You are discharged and you may go".'

MARCH 29TH. The weekend has passed and the six long days are over. I don't know how it was for others, but for me it seemed the longest weekend of my life. Yet it has been very full, for somehow the realization that this trial *may* end today gave me an urgent sense that I should not leave any loose ends and I have been frantically busy. Was it that I didn't believe that I would finally be acquitted, be free? Or was it just that I didn't *dare* to believe it?

Today I don't take my car. We all go over to Pretoria together in the treason bus—whatever the outcome, it will be the last time. Somehow the way seems long, despite the cheerful singing—but there are crowds of people waiting at the Court, newspaper reporters and cameras, just like the day the trial started in Pretoria, and the telegrams are there too. The gallery for Europeans, empty for so long, is crowded now, crowded with the faces we know; the gallery for non-Europeans has never been empty, not once during all these years, and today it is packed tight.

Their Lordships come in, they look very grave. I glance at our Counsel, they are all there, their faces expressionless.

Now Trengove is on his feet, still the fanatical crusader on his persistent attack on the African National Congress. In the final death throes of the Crown case, there he is in the last few minutes before the judgement with an offer—to amend the indictment. Galleries are packed, the whole Court straining to hear the judgement itself—and he proposes to amend the indictment. He is two years too late.

'Yes, yes, we understand that, Mr Trengove,' says the Judge President, waving him aside. And that is the end of Trengove, and

indeed of the Crown. I had intended to watch his face at the end; we had all longed to see his sardonic smile disappear. But all our eyes are on the Judge President and the Prosecution fades away. I do not think of Trengove. I do not see him.

The Judge President begins to read the judgement. It takes forty long minutes. 'Silence in Court!' Six times a day we have heard it, rising to our feet, as the judges come in or go out. On this last day of all, when Judge Rumpff himself tells us to stand, we hear it again. 'Silence in . . .' the Sergeant at the back of the Court begins to shout when he sees us getting to our feet for the last time. But his voice dies away. I am not sure what to do with my hands, so I put them behind my back. Judge Rumpff is speaking now, in a low voice, but very clearly, leaning forward a little, 'You are found not guilty and discharged and you may go.'

The Court is hushed. Not a movement anywhere, not a murmur, as the judges leave. We stand motionless, stunned, gazing at the door which has closed behind the last scarlet robe. Then I see that Counsel are smiling and I know I am not dreaming.

Friends crowd to embrace us, clasp our hands. Amina Cachalia has tears streaming down her beautiful little face, and I ask her why she is crying. She says, surprised, 'Am I?'

The courtyard is crowded now, and as we come out on to the steps the crowds begin to sing '*Nkosi Sikelele Afrika!*' We stand and the magnificent singing goes up to the sky.

We carry them shoulder high, our Counsel, triumphantly from the Court, through the cheering crowds to the gate. We have been long together and we have learnt to know and understand each other, and we like to think our Counsel have come a little further along *our* road, during the timeless treason trial.

We have left the crowds behind, cheering, as we pull away from the Synagogue, now standing so deserted, so lifeless, emptied of the drama of the past three years. As we drive back we sing the new Congress song, '*Amandla nGawethu—Amandla nGawethu . . . the power is ours.*' Our bus is filled with the rich harmony, clenched fists beating out the rhythm!

In Johannesburg we drive through the main streets in triumph. It is the lunch hour and our people greet us as we pass. The news of our acquittal is here already. All over Johannesburg on this day, raised thumbs can be seen, the sign of the banned African National

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Congress. This has not been seen in the streets for twelve months, but today the thumbs are raised openly, defiantly.

It was our intention to drive to Moretsele's restaurant, to stand there for a minute in silence in tribute to our dead comrade, who missed this joy and triumph by so short a time. But the crowds have already gathered there, waiting for us, and in this great welcome we cannot pay our tribute. But I think Retse is in the heart of every one of us as we climb out of the treason bus for the last time.

POSTSCRIPT

‘. . . The trial will be proceeded with no matter how many millions of pounds it costs. That does not affect the issue. . . . What does it matter how long it takes? . . .’ (The Minister of Justice in Parliament, May 12th 1919.)

One hundred and fifty-six—ninety-two—thirty—twenty-nine, twenty-eight accused. What was the cost of this monstrous trial to us? It is possible to calculate legal costs, or the cost to the taxpayer of the Government’s colossal folly. These are the sums that can be added up. But can you add up what the accused didn’t earn over a period of four and a half years? It’s like trying to calculate the uncalculable. But if you take just what we *were* earning, or normal expansion of business or professional practice, and you take it just for the actual months each of us was on trial but not allowing for the time-lag of rehabilitation and re-employment, what do you get? A loss of £168,000. Oh, yes, it’s true that some did a little part-time work, it’s true that the Defence Fund helped most of the accused after the first year—to the maximum of £11 a month; *that limit was the decision of the accused themselves*. But this £168,000 is money that was irretrievably lost, because it wasn’t earned.

If it had not been for the wives of the accused, their families would have suffered even more. These ‘treason wives’ are the unsung heroines of this trial; only their families know how they shouldered so courageously the responsibility flung upon them from the first day of the arrests. Nurses, teachers, factory workers, domestic servants, it is they who have born the brunt of the enforced unemployment of their men, of their long absences from home. It is they who must continue until long after their husbands find employment, for they can never recover what they have lost.

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More than half a million pounds is the total cost of this trial, the cost in money. The cost in human suffering cannot be assessed; there is no yardstick for the years of anxiety, of physical and mental strain. Yet life went on; children were born, the aged died and on the treason trial the old grew older and the young grew up.

Where do we go from here? We have been acquitted of high treason. But two of the accused, Joe Molefi and Duma Nokwe are already facing another charge, under the Unlawful Organizations Act. Vuzumzi Make and Joseph 'Anti-Pass' Kumalo were served with banishment orders after the charges were withdrawn against them at the Preparatory Examination. Dr. Arthur Lethale and Mot-samai Mpho were amongst those whose indictment was quashed; they have been deported from South Africa. Mandela is the underground leader of the African people.

Chief Luthuli, winner of the Nobel Peace Prize and honoured by the whole world, is still banished to his own district. Six of the twenty-eight are still confined to Johannesburg under banning orders; even more are banned from all gatherings. Peter Selepe was rebanned a week before he was acquitted, and several others have been banned since their acquittal.

Those who were no longer on trial with us, who had been discharged earlier, have scattered far and wide. They have taken up the threads of their lives, but for many it was a tragic story of months of unemployment and struggle, and continued dependence on the Defence Fund. To have been a treason trialist is an honour in the struggle for freedom, and that's how we see it, but it doesn't take you very far when you are looking for a job.

And some of us have gone from South Africa—by the back door, for no treason trialist would ever get a passport. It is no easy decision to take, for this back door does not open both ways. It lets you out, if you are courageous and resourceful, but it does not let you in again.

Tambo, Makiwane, Resha, Letele, Mkwai, Hadebe—their names are heard in many lands, as they travel the earth's surface, sent out to be the ambassadors of the Congress Movement, of the struggle for freedom.

Sometimes there are rumours of a new Treason Law and we realize that that word is here to stay—treason. African children are christened 'Treason' for it carries no stigma amongst the non-

Europeans; it has become a badge of honour. In Pretoria if you ask for the Court in Paul Kruger Street, you will be told, 'Oh, you mean the Treason Court.'

But why was this monumental folly ever started, this treason trial that never should have been? We ourselves have no regrets; to strive for freedom and justice is our way of life, but we ask:

'What treason was there? Is it treason to ask that Black and White should live together, as brothers, countrymen, equals? Is it treason to ask for food? Is it treason to ask that passes be abolished? And that we might walk freely in the land of our birth?'

(From a speech by Alfred Hutchinson, formerly one of the accused.)

PROFILES OF THE ACCUSED

FARID AHMED ADAMS, *Accused Number One*. Born in India, Farid came to South Africa in June 1919 when he was two years old.

While still a schoolboy he became interested in the Congress movement during when the Indian people in South Africa were carrying on a relentless battle against the Asiatic Land Tenure Act, known as the 'Ghetto Act'. But it was not until May Day, 1919, that he first took an active part, and started distributing leaflets, and canvassing. On May Day he picketed his school and various other schools and felt proud that his school had a 100 per cent 'stay away'. On this day he had his first encounter with the police, when he was thrown into a pick-up van and taken to the Fordsburg (a suburb of Johannesburg) police station, where his name was taken by the police for the first time. Instead of being scared, this youngster of seventeen became yet more determined to take an active part.

In June 1919 the Defiance Campaign began, and Farid helped in collecting food and money for the families whose breadwinners had gone to gaol. It was also during this period that the tragic Albertyns-ville tornado wrecked the houses of thousands of African residents. Early the next morning, Farid with other members of the Indian Congress, collected eight lorry loads of food and clothing for the stricken families.

At the beginning of the Campaign against the Western Areas Removal, he, together with A. M. Kathrada, Accused Number Three, was arrested in Sophiatown and charged with 'incitement to public violence'. But both were acquitted. In October 1919 he was arrested with three others for painting slogans on a wall, convicted and fined £50.

In October 1919 he took up 'employment as a clerk,' but was

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arrested in the big swoop on December 5th 1919 on the charge of 'high treason'.

In June 1919, after the accused had decided to dispense with their Counsel during the state of emergency and conducted their own defence, it was Farid who led the evidence of Accused Number Two, Helen Joseph. For this short period, the clerk was promoted to the honorary position of a Queen's Counsel. The first of the accused to lead or question a witness, he remained on his feet for five full days in Court, standing his ground dauntlessly against sporadic efforts of the Court to dissuade him from continuing with his line of questions on the Crown's opening address. When he appealed to the Court for guidance, Judge Rumpff pointed out with a smile that he had adequate legal advice, with an attorney on one side of him and an advocate on the other! (Mandela and Nokwe sat on his right and his left.)

Almost two months to the day after his acquittal on the treason trial, Farid was again arrested and held in gaol for twelve days without bail before being charged with incitement to an unlawful strike, but after three appearances in Court during June, the charge was withdrawn.

On July 27th, Farid was served with a banning order, prohibiting him from attending any gathering for a period of five years.

HELEN JOSEPH, *Accused Number Two*. Helen Joseph was born in Midhurst, Sussex, England. She was educated at a convent and took a BA Hons. degree in English at King's College, University of London, in 1919. From 1919 to 1920 she taught at the Mahbubia Girls' School in Hyderabad, Deccan, India. In 1920 she came to South Africa, teaching for a year in Durban. She then married and settled there. She loved India and the Indian people and in 1920 became the Honorary Organizer of the Indian Women's Club in Durban.

In 1920 she joined the Women's Auxiliary Air Force as a Welfare and Information Officer. When she was demobilized in 1920 she took up an appointment as Acting Director of the John Gray Community Centre in a slum district of Johannesburg, making an extensive study of the conditions of the low income group Europeans. At the same time she studied at the Witwatersrand University for a

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post graduate diploma in Social Studies. In 1920, she was appointed Supervisor of Community Centres in Cape Town by the National War Memorial Health Foundation. There she established and expanded two community centres amongst the Coloured people, establishing crèches, nursery schools, discussion clubs, co-operative vegetable and food clubs, juvenile and adult educational and recreational groups.

In 1920 she returned to Johannesburg as Secretary of the Transvaal Clothing Industry Medical Aid Society, and held this position throughout the trial, making up the lost office hours by working very early in the morning before Court, and until late at night after her return from Pretoria.

Political consciousness came to Helen Joseph not through reading books—her favourite authors were Jane Austen and Charles Morgan—but through the ‘hard facts of life’, to quote a phrase used by Mr Justice Rumpff when she was under severe and prolonged cross-examination. It was years of daily contact with misery, poverty and racial oppression, which provided Helen with her political education, not the hundreds of ‘subversive’ publications the Crown produced at the trial in their attempt to prove the charge of high treason.

After spending some months in gaol, including nineteen days solitary confinement when the Emergency Regulations were proclaimed in April 1920, Helen was called as a witness for the Defence. Defence Counsel had already withdrawn at the request of the accused on account of the conditions flowing from the State of Emergency. Accused Number One led her evidence-in-chief.

Mr F. Adams: When did you become interested in politics?

Helen Joseph: I first became interested in politics as such when I was an Information Officer in the Air Force, because it was part of my duty to give lectures in political education. Then I became a social worker, both amongst the Europeans in Johannesburg and particularly amongst the Coloured people, when I took up another position as supervisor of a Community Centre in Cape Town. It became clear to me then that social work in itself is nothing more than a palliative for the ills which beset so many people. It was then that I began to turn my attention to the causes of these ills, and I became convinced that I could no longer be satisfied merely with

social work, but that I must play an active part in the political life of South Africa.

Helen then joined the Labour Party, and shortly afterwards was invited to join a committee which was engaged in forming what afterwards became the Congress of Democrats, and was elected to the National Executive Committee. In 1920 the multi-racial Federation of South African Women was established and she became the first Transvaal Regional Secretary, and in 1920, National Secretary. She was still holding both these positions throughout the trial.

In 1920, a few months after the treason trial opened, she was served with two banning orders, the first prohibiting her from attending any gathering for five years and the second forbidding her to leave Johannesburg, also for five years.

In her evidence-in-chief, Helen stated:

‘I was very deeply influenced by the Defiance Campaign. At that time I was already a member of the Labour Party, but I cannot say that I was really playing a very active part. I had, however, for some years been deeply moved by the hardships and sufferings of the millions of non-White people in South Africa.

‘When the Defiance Campaign was launched, I followed it with deep interest although I must say, to my sorrow, at a distance. I observed the thousands of people who were prepared to suffer the hardships of imprisonment in order to prove the hardness of their life, in order to show the injustices under which they were suffering.

‘As the Campaign went on, I became more deeply impressed with the courage and determination and what appeared then and still appears to me as the justice of this cause. I was particularly struck by the Defiance Campaign, because of the years that I had myself spent in India, where I had become very deeply conscious of the passive resistance campaign in that country.

‘Towards the end of the Defiance Campaign, I felt that I could no longer stand aside from the struggles of the non-White people and that I must align myself with them. It was therefore, My Lords, in this mood that I so willingly accepted the invitation to join the provisional committee to establish the Congress of Democrats, for in the Congress of Democrats I found an organization that stood uncompromisingly for equality and for justice for all people.’

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In August 1920 Helen, together with Lilian Ngoyi and other women leaders, organized the mass demonstrations of 20,000 women of all races to the Union Buildings to protest to the Prime Minister against the issuing of passes to African women. This magnificent disciplined demonstration was hailed throughout South Africa for its controlled militancy and dignity.

As soon as she entered the witness box Helen declared that she had no confidence whatsoever in the *bona fides* of the Minister of Justice, and did not accept his assurances, 'but there were only two alternatives before her, either she must close her case or she must give evidence in peril of being further detained. 'My Lords, I am compelled to the latter choice.' '

Led by Accused Number One on her views on non-violence, Helen replied:

'I think that in this country the universal franchise can be brought about and I hope very much that it will be brought about through a non-violent programme. I have already outlined the methods and the way in which I think this can happen. It will happen through both moral and economic pressure being brought to bear on the present White electorate to concede that the vote must be extended to the non-White people.

'The attitude of the Congress to the existing state and its apparatus is that while we accept its form, we condemn its composition. We condemn its composition because it is confined to one racial group only.'

Mr Adams: 'When do you envisage this change might come about?'

Helen Joseph. 'It is impossible to put into any term of years. This yielding of the White electorate to the pressure, that I together with many others foresee, may not come for some time. But as I see other countries in Africa obtaining their independence, so I see that in South Africa the time is also coming.

'To say that we were bent upon no legitimate constitutional struggle is to imply that we had in mind violent and forcible revolution. I want to say that nothing has ever pointed to that, but in fact to the very opposite. Our policies and our programmes have pointed all the way through to the fact that we hope and intend to achieve our ends by peaceful methods, by the methods of moral and economic pressure on the White electorate.'

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AHMED MAHOMED KATHRADA, *Accused Number Three*. 'Kathy', cheerful, good humoured, resilient, good for a laugh and a flash of his white teeth, sometimes pretending to be a playboy—but underneath all this lies the real Kathy, who left school at seventeen, immediately after he had matriculated, and gave up a University career to fling himself wholeheartedly, full-time, into the Passive Resistance Campaign, back in 1920. Young as he was, he served a sentence of a month during that great campaign. As one of the organizers of the Defiance Campaign in 1920, he was sentenced with the nineteen others to nine months' imprisonment, suspended for two years.

Kathrada has given himself completely to the affairs of the Indian Congress, particularly to the Indian Youth Congress in the Transvaal. Banned from gatherings and from participating in the Congress which was his whole life, but undaunted, he gave his attention to the Indian Parents Association to build the Indian High School, the defiant protest of the Indian community against the removal of the schools to Lenasia, twenty-two miles from Johannesburg, under the Group Areas Act.

The fortunate holder of a passport obtained before the Nationalists came into power, Kathy went out of South Africa by the front door in 1920 to travel in Europe, finding out for himself what it was like to be free from the colour bar. Returning, he gathered round himself an enormous circle of friends which completely transcends the colour bar, and mirrors the South Africa to come. If you want to find anyone in the Congress movement you first find out if he has been to Kathy's.

During the time when the accused conducted their own defence 'Advocate Kathrada' put up an awe-inspiring performance, challenging the Bench with the assurance of a QC.

'My Lord, I should at this stage like to place on record that a few days ago this witness informed me that he was more proficient in Urdu than in English, and he expressly requested me to arrange for an interpreter in Urdu. Two days ago I arranged for the Crown to be informed of the witness's difficulty and request and the Crown promised to arrange for an interpreter. I understand that yesterday there was an interpreter available in Court, and I believe he is available again this morning. It seems to me most strange that Your

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Lordship should make an order which might have the effect of hampering the witness in giving evidence. I have always been under the impression that a witness was entitled to give evidence in the language in which he is most proficient. I should have imagined, My Lord, that this right could be accorded to a witness even in respect of a petty offence. It seems to me unprecedented that a witness should be precluded from testifying in his own language in a capital offence, especially when an interpreter is available. Would Your Lordship be pleased to explain to me the rights of a witness in regard to the language he is entitled to use in giving evidence in a Court of Law?’

Mr Justice Rumpff: ‘The witness understands English perfectly, he speaks English well, and you may proceed, Mr Kathrada, leading the witness in English, and he can give his answers in English!’

Even the Judge President did not escape Kathrada’s pointed leading of his witness in his determination to establish the true significance of the Defiance Campaign.

‘Is it also correct that in 1920 you were convicted together with nineteen others under the Suppression of Communism Act for your part in the Defiance Campaign?’—‘That is so.’

‘And did you receive a suspended sentence?’—‘Yes.’

‘You are aware that His Lordship the Presiding Judge was presiding or presided over the Defiance Trial?’—‘That is so.’

Mr Justice Rumpff: ‘Is that a relevant factor at all?’

Mr Kathrada: ‘I am leading on to the next question. Do you remember if His Lordship made any remarks when he suspended the sentence?’—‘Yes he did, to the effect that the sentence was suspended because the form of the struggle was one of non-violence.’

In 1920, Kathrada was served with a banning order, forbidding him to leave Johannesburg for five years. In January 1961 he went to Schweitzer Reynecke, a town in the Orange Free State, to see his mother who was very ill. Because he failed to obtain permission to leave Johannesburg, he was arrested three months later, a few weeks after his acquittal of high treason, for breaking his ban.

He was held in gaol for several weeks without bail, and finally after several appearances in Court, he was convicted and sentenced to six months’ imprisonment suspended for three years.

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LEON LEVY, *Accused Number Four*. Born in Johannesburg in 1920, Leon started work at the age of sixteen in a hardware establishment, and came into the Trade Union field through the National Union of Distributive Workers, becoming an executive member of the Union. In 1920 he became secretary of the National Union of Laundry, Cleaning and Dyeing Workers and also Secretary of the Food and Canning Workers' Union, and in 1920, President of the South African Congress of Trade Unions. Leon's two absorbing interests are peace and the Trade Union Movement and he has devoted his life to this work, with a passionate concentration. Leon is utterly single-minded in his devotion to the freedom struggle, and works day and night, trial or no trial. During the trial he had to fit in his Union work before and after the Court sessions and at weekends, but now that he is free you will still find Leon working from dawn to dusk with unflagging energy and enthusiasm. In fact during the trial there were days on end when he could have heard nothing of the proceedings, for there he was, Union files and cards spread out on each side of him, or on the seat of the bench in front of him, making his many entries—and sometimes spilling his cards onto the floor!

Young, slender, with dark hair and eyes, Leon moves as quickly as he thinks and his unbounding energy and quick step can be recognized from afar. In the Drill Hall days of the Preparatory Examination, he and his identical twin brother Norman, caused some confusion and discomfiture amongst police witnesses when it came to identification, and popular rumour has it that Norman was discharged because the Crown did not dare to have them both in the treason trial itself.

Just a month after he was arrested, Leon was served with two banning orders, one banning him from all gatherings and the other restricting him to Johannesburg for five years. These orders have seriously affected his work as National Secretary of Trade Unions, but all appeals to the Minister to allow him to go to other centres are refused.

As Secretary of the Peace Council, Leon cross-examined Helen Joseph for a full day, posing deliberate, carefully phrased questions with an aplomb to be envied by many an advocate, and maintaining an imperturbability which had to be seen to be believed. Afterwards some of the accused referred to him affectionately as 'Izzy'

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from his frequent use of the words, 'Is it not, Mrs Joseph?' or 'It is not so, is it!'

In October Leon was saying farewell to a few delegates of the unemployed, passing through Johannesburg on their way to interview the Minister of Labour about unemployment. Special Branch detectives burst into Leon's office and arrested him for 'attending a gathering'. He spent the weekend in gaol and was then released on bail. The charge against him was subsequently withdrawn.

STANLEY BASIL LOLLAN, *Accused Number Five*. Son of a Coloured garment worker and born in 1920 in Johannesburg, Stanley Lollan is Coloured (of mixed ancestry). His home language is Afrikaans.

'From an early age, I was conscious of the conflict between Europeans and non-Europeans, having for so long lived in mixed areas with poor Whites. This relationship became confusing when one reached the age of about fourteen to find that you were not as welcome in the homes of your former White playmates. Previously the fights one had on the way to and from school or shops were not really on a racial basis, now they had become racial. About this time I was struck by the prejudice among the Coloured people themselves. Various influences began to assert themselves: friends, newspapers, etc., the Defiance Campaign, the Miners Strike in . It was then that I saw things more clearly and felt the need for Coloured people to take a more active part in an organized fashion in the liberatory struggle.

'When the South African Coloured People's Organization was formed in Cape Town, it was decided to form a branch here and I became the Transvaal Secretary.

'During the trial, I retained my employment at the Industrial Council for the Clothing Industry by working seven hours a day in addition to appearing at the Preparatory Examination and at the trial in Pretoria. To do this, it was necessary to work for two hours in the morning before leaving at 8.30 for Pretoria, and to work until 9 pm every night, but I made up every hour that I took from the office!'

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Stanley Lollan, Transvaal Secretary of the South African Coloured People's Organization, the only Coloured amongst the thirty 'accused' who faced the actual trial, was one of the Defence witnesses led by 'Advocate' Kathrada, Accused Number Three. Despite the questions from the Bench and the wiles of the cross-examiner, he stood his ground and could not be shifted from his affirmation of the Congress policy of non-violence.

NELSON ROLIHLEHLA MANDELA, *Accused Number Six.* Nelson Rolihlahla Mandela, son of chief Henry Mandela, born in 1918, was brought up from the age of twelve by the Acting Paramount Chief of Tembuland. He matriculated at Hilltown Training Institution in the Ciskei. Although he went to Fort Hare University College he did not complete his BA there, but gained it later by correspondence.

He studied law at the University of the Witwatersrand and became an articled clerk to a firm of attorneys, qualifying in March 1920 and then setting up in practice with Oliver Tambo from 1920 until 1920, when he was arrested soon after Tambo had made his way overseas to inaugurate the United Freedom Front. Mandela was compelled then to give up his office and legal practice. He depended after his release from detention on infrequent Court work on Saturday mornings. Nelson has five children, two born during the treason trial. His young and beautiful wife, a social worker, assisted in maintaining the home during the difficult years, and to-day is still carrying that responsibility.

A foundation member of the African National Congress Youth League, Mandela was also active in the African National Congress itself, becoming Transvaal President in 1920, and also National Volunteer-in-Chief in the Defiance Campaign. Declared a statutory Communist by virtue of his conviction under the Suppression of Communism Act as one of the leaders of the Defiance Campaign, he was prohibited in 1920 from membership of the African National Congress.

Shortly before his acquittal from the treason trial, his five year ban confining him to Johannesburg and prohibiting him from gatherings expired, thus making it possible for him to address the All-In

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Conference in Pietermaritzburg on March 26th, giving a dynamic lead with his call for unity and non-violent militant action. It was at this conference that the resolution was taken for a programme of non-co-operation in the event of the demand for a national multi-racial convention not being met.

Nelson was elected Secretary of the National Action Council formed at this conference to carry on its decisions. And for a long time now he has been South Africa's Scarlet Pimpernel, 'They seek him here, they seek him there. . . .' In fact the police seek him everywhere, but they cannot find him.* He has declared that he will lead the struggle from underground until the day that freedom is won. And he has pledged himself not to leave South Africa.

The decision has cost Nelson the total sacrifice of his legal career and deprived him of all family life—and of his home.

But even though Nelson's physical presence has gone for the time being and we who were his friends and comrades miss his companionship, his spirit and his influence among the African people are felt as never before. He is a constant thorn in the flesh of the Nationalist Government, who are not allowed to forget him.

LESLIE MASSINA, *Accused Number Seven*. Leslie was born in Pimville, Johannesburg in 1921 and educated in Natal and the Orange Free State. On leaving school he went to work in a factory.

His sixty-eight-year-old father, Mr Luke Massina, had been a member of the African National Congress since 1912 and was still able to participate in its activities until it was outlawed in 1920. Leslie's mother Louisa Massina, former school teacher and a deeply religious member of the Anglican Church, has supported Congress strongly for many years.

After working in a toy factory for some time, Leslie took up employment as a checker in a laundry and dry cleaning establishment in Johannesburg. Working conditions in this industry in were poor and workers voiced their grievances openly. Leslie came forward and helped his Union to organize a successful strike of 3,000 laundry workers.

*This, alas, is no longer true. Nelson Mandela was arrested on August 5th, and is standing trial as we go to press.

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His efforts in the strike earned him the post of chairman of the factory committee and later in , after filling the post of Union organizer, he was elected the Secretary of the African Laundering, Cleaning and Dyeing Workers Union. During the Defiance Campaign which began in , Leslie served as deputy Volunteer-in-Chief in the Transvaal province and remained a very prominent member of the African National Congress; he was Transvaal Treasurer in 1920, and he was on the National Executive from 1920. On the formation of the South African Congress of Trade Unions, he was elected General Secretary. During 1920 he too left South Africa by the back door to attend important international trade union conferences and to visit England, the Soviet Union and other European countries.

Arrested on December 5th 1920 on the charge of high treason, he spent two weeks in prison with the others before being admitted to bail. On January 7th 1920 he was served with an order from the Minister of Justice prohibiting him from attending gatherings for a period of five years and restricting him to the magisterial area of Johannesburg. The confidence of the African people in Leslie was clearly shown when he was elected to the Dube Advisory Board while still awaiting trial on the charge of high treason.

His absence from the Union office during the long years of the trial led to a decline in the Union's finances, and he continued his Union work without pay until his acquittal; his wife helped him maintain the home and his two young daughters at school.

When the trial ended, Leslie eventually obtained work in a printing firm after several months of unemployment, and is now trying desperately to re-establish himself and his family.

PHILEMON MATHOLE, *Accused Number Eight.* 'I was born in Johannesburg in 1916. In the early thirties there used to be political meetings at the Western Native Township second gate on weekends, and as a youngster I used to listen to the speakers. This is where I first got interested in politics. In 1920 certain cinemas in the City sprang up, which discriminated between Africans and other non-European races. This kind of practice caused resentment among the African youth and a Youth League was formed to fight it. Our

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Youth League consisted of youths in the Western areas, I was the Secretary and we were extremely national and envisaged an "Africa for the Africans".

'I was rather sceptical of our line and consulted with other experienced politicians, who advised the futility of following the line our Youth League was taking. When my views differed from some of our members I decided to do something more constructive politically. I realized that workers in the mines required organizing into a trade union. African miners are the most exploited workers in the country, but organizing in the mines is very difficult and there was the risk of being arrested when entering a mine compound. The best way was to get employment in the mines and be one of the workers. This I did, my pay being 1s 8d a day in a month of about five weeks. In spite of the watchful eyes of the police, we reached the workers and preached unity and the need for organization.

'The years 1914 and 1915 found us highly determined to demand 10s a day for all the African miners. This propaganda circulated amongst the workers like a whirlwind and in 1918 the situation became tense. Many miners of the Reef, particularly on the East Rand, came out on strike, but because of the lack of sufficient organization, the miners did not stay in compounds and they formed processions which gave an excuse for the police to open fire on them. Many of our comrades were killed.

'Thereafter I was spotted as a Union member and was then asked by the mine officials to report to them about the Union meetings. This I would not do and had to leave my job on the mines. I left the mines, not in despair, but hopeful that one day the African miners will belong to a mighty Union.

'I went to stay in Moroka (Johannesburg) and there started a small grocery business. In 1918 I contested a seat in the Moroka Advisory Board, which I won and this was the beginning of my struggle in Moroka. In 1918, during the Defiance Campaign, when members of the Advisory Boards in Johannesburg would not volunteer to defy the unjust laws, I decided to join a batch of defiers. I ~~was~~ aware of the fact that liberation has to be worked for; its price is not small—it can even mean one's life.

'Subsequently to the Defiance Campaign the need for a stronger Congress arose, for the Government was more than ever vicious with its imposition of bans on the leaders. . . . I had now to make up

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my mind between the struggle and my family. I have a wife and eight children, a widowed mother and three of my late sister's children to maintain. I had a little business which managed to keep the home fires burning and I got my sister to manage it, whilst I went to the Congress offices as full-time Transvaal Provincial Secretary. This change brought about many new problems. My little business, now under new and inexperienced management, collapsed, and I had to rely on my wages from the African National Congress. This was not paid regularly, as there was not enough money, and at times one had to get wages by bits. Things went on this way until our arrest in 1918.

'I sold my business in Moroka prior to the trial to pay my losses and debts.'

Philemon is now struggling again with a shop in another part of the African Townships, trying to build up another business to maintain his large family and his dependents.

PATRICK MOSELI MOLAOA, *Accused Number Nine*. Born in 1918 in Johannesburg, Patrick Molaoa started to attend school in Basutoland and then went to school in Sophiatown and Kimberley. He is a Roman Catholic. Pass Raids and the plight of African youth brought him into the African National Congress Youth League in which he became very prominent, finally becoming National President during the trial.

He had been a lightweight boxer since he was a schoolboy; he was in the Professional Boxing Division and used to run a gymnasium in Western Native Township, training athletes in boxing and gymnastics. He was employed in the statistics office of the Public Utility Transport Company until his arrest on the charge of treason and during adjournments until April 1918 since when he had not been able to obtain employment. He had already matriculated, and was studying by correspondence with the view of taking a law course.

Molaoa was called as a Defence witness during the trial. As a former resident of Sophiatown where he had lived for many years, and where his children were born, he gave important testimony to the feelings of the people and the conduct of the African National

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Congress meetings there at the time of the Western Areas Removal. With other victims he was eventually compelled to move, with his wife and family, to one of the municipal townships, ten miles from Johannesburg.

After some months of unemployment following his acquittal, Pat at last obtained a position in the sales department of a large mineral water factory.

MOOSA MOHAMED MOOLLA (*Mosey*), *Accused Number Ten*. Mosey was the youngest of the thirty left in the trial; he was arrested at twenty-two for high treason and discharged at twenty-six, so that nearly one-fifth of his life was taken up with the treason trial. Already at fifteen he had played truant from school with three quarters of the Indian pupils to take part in the first real stay-at-home, May Day, in protest against unjust laws. Two years later he was again playing 'hookey', this time with his fellow students, to attend the Court proceedings against the leaders of the Defiance Campaign. Then he himself defied with the last batch under the leadership of Manihal Gandhi, son of Mahatma Gandhi. This led to his expulsion from school during his matriculation year for taking part in politics. Arrested with Farid Adams and two others in 1918 for painting Freedom Charter slogans on walls, Mosey was beaten up by the police at the time of his arrest. Finally, after losing his appeal, he was convicted and fined £50.

Mosey could not at first give himself to the Congress Movement full time, for he had to help to support his parents and his young brothers. His father was now eighty-nine years old; Mosey was one of sixteen children. What little support this youngster had been able to give before fell away during the long years of the trial; even during adjournments it was well nigh impossible for clerical workers to obtain temporary employment against the competition of those who could be permanently employed. So Mosey no longer assisted his struggling family, instead he had to be helped himself.

In May 1918, Mosey was arrested on a charge of incitement to an illegal strike. Held for twelve days without bail, he is still on trial. Protracted adjournments have already delayed this for nine months

but even this does not appear long to the accused who endured four and a half years on the treason trial.

JOSEPH SALLIE POONYANE MOLEFI, *Accused Number Eleven*. Born in 1930, Joe Molefi joined the African National Congress Youth League while a schoolboy. He helped to organize the Fordsburg Freedom Square meeting at which the Defiance Campaign pledge was taken, and was one of the leaders of a demonstration of students to the trial of the Defiance Campaign leaders.

In 1953 he was detained in gaol for six days after addressing an Alexandra Township meeting, but the charge was later withdrawn. Joe played a leading part as Secretary of the Evaton People's Transport Council in the Evaton bus boycott which ended in complete victory for the people after a struggle lasting fifteen months. He was arrested on several charges arising out of this boycott, among them one of murder, later reduced to public violence, but during the course of the treason trial he, together with the other boycott leaders, was acquitted on all charges.

"My employers have been very kind in making it possible for me to retain my job throughout the trial period. I have to leave my home at 5.30 am and arrive in Johannesburg at 6.45 am. I work until 7.45 am before getting a lift to Pretoria. I also work on Friday afternoons and Saturdays and during the adjournments."

Married, with three children to maintain, Joe was not, however, able to earn full wages except during adjournments, and a week after the end of the treason trial he was arrested with Duma Nokwe on a charge under the Unlawful Organizations Act. Amongst the thirty accused, Joe Molefi was the only Pan Africanist Congress member, joining their ranks when they broke away from the African National Congress in 1918. Yet even this defection could not break the strong spirit of solidarity between the accused, and Joe was accepted there as 'one of us'.

But when this trial was over the cleavage deepened with the antagonism of the Pan Africanists towards the Congress stay-at-home for May 31st, 1918, the day of the declaration of the South African Republic.

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In October, Joe Molefi fled from South Africa, before his new trial, at which the remaining twelve accused were sentenced to twelve months' imprisonment. He had also been arrested on a charge of continuing to associate with the banned Pan African Congress, but left the Republic before this case was heard. The one other accused was sentenced to three years' imprisonment. Both cases have gone to appeal and the final result is not yet known.

ELIAS MORETSELE ('Retse'), *Accused Number Twelve*. (Extract from *New Age*). 'Born in Sekhukhuniland in 1897, Retse never lost his love for his first country home and his people—the Bapedi of Sekhukhuniland. There will be sorrowful mourning for him among the Bapedi in the North East Transvaal and all along the Reef where many of his people now live and work, for President Moretsele of the African National Congress was the centre of the Bapedi people of the towns. To him they came for advice and help on matters big and small and he never failed them. He was a close friend of Chief Sekhukhuni himself, of headman and commoner.

' "Retse" was one of the early veterans of the African National Congress. He joined in 1917 before the end of the First World War, and his participation in African struggle is written in the stories of the 1922 struggle against the increased poll tax; the struggle of the twenties and thirties against the pass laws, notably the struggle of African women against having to carry passes, in 1918.

'Twenty-five years later, when the people of Sekhukhuniland rose against passes for women and the Bantu Authorities system, "Retse" was proved right again, and he stood shoulder to shoulder with the people of Sekhukhuniland in their courageous opposition to Native Affairs Department rule.

'By the fifties, when a generation of African freedom fighters had flowed into the Congress movement, they found veteran fighter "Retse" at their side with them in the votes-for-all campaign, with them during the Defiance Campaign, with them in the campaign against Bantu Education, and among the one hundred and fifty-six woken from their beds in December 1918 when the treason trial started on its interminable and wearying path.

' "Retse" rose to be Transvaal President of the African National

Congress and was Treasurer when it was banned. He shared in the taking of many historical decisions, presided over conferences and meetings—but never lost the “common touch”. In years he was considerably older than most of his colleagues in the political movement but he was admired above all by the youth for his twinkling, often sarcastic humour.

‘He died suddenly on March 10th 1918, three weeks before the acquittal of all the accused on the treason trial.’

MANGISI PHINEAS NENE, *Accused Number Thirteen*. Born in 1918 in Natal, Nene had become a businessman with a shop in Alexandra Township, where he had been a leading member of the African National Congress, Chairman of the Branch and also of the Anti-Permit Committee. Unable to follow English well, he found the trial was a long drawn out ordeal. Only during the time when the accused conducted their own defence was there full interpretation, and Nene had sat through many dreary hours of not following what was said, depending upon reports from his fellow accused.

‘From about 1918 I began attending political meetings because I was dissatisfied with the manner in which my African people were treated by Europeans generally. I joined Congress in 1918 because I was satisfied with its policies and programmes of action intended to bring about a change for the good of all.

‘During the Defiance Campaign I was chairman of the Welfare Committee for the Alexandra Defiance Volunteers. I rallied the many Alexandra businessmen to provide funds for the volunteers and their dependents.

‘About eighteen months after I was arrested for high treason, I was arrested on a charge of murder. It was alleged that I was a member of the Msomi gang—a gang that was responsible for the murder of a number of people in Alexandra Township where I reside. After being kept in custody for many months, I was discharged from the Msomi case in June 1918.

‘When I came back I found that my business (a general dealer’s store) was taken over by order of court and I lost stock worth £500, most of which was not yet paid for. I lost my property, my car and

my furniture. I have no home and I stay with friends. My position is very bad indeed.'

After the end of the treason trial Nene has had to start life again with a small soft goods agency. It is a hard struggle with insecure prospects, and but little hope of ever again reaching the position he had achieved before he was first arrested.

LILIAN NGOYI, *Accused Number Fourteen*. Here is Lilian's own story, told to me during the trial.

'My name is Lilian Masediba Ngoyi and I was born in Pretoria in 1911. We were very poor. My father worked at first in the Premier Mines near Pretoria and earned £3 in six weeks. Later he worked as a packer in a shop earning £3 a month. We were six children and my mother did washing for a few shillings a day to help to make ends meet. My grandfather was a Church minister in Pretoria and I was told that he gave up his position as chief because he wanted to save his people by religion. I was very much impressed by his sacrifice. As I grew up, my parents told us that the hard life we were leading was prepared by God; Man was born sinful and could be saved only by prayer. And so I prayed, and as time passed things became worse. We used to eat mealie porridge every day, except one Sunday in the month when we got a piece of meat. I was sent to the Kilnerton Primary School as a boarder; the school fees were £12 10s. a year and we were always in arrears. When I was in standard VI, my parents could no longer afford to keep me at school, so I went to work in a hospital as a probationer nurse. I married but when my only child was three years old, my husband died and I had to work in a clothing factory, where I earned only 15s a week.

'When I was in Pretoria as a child I stayed just opposite the African National Congress President, Makgatho. I used to listen how Makgatho defied the law and went in to the second class compartment on the train, and I used to admire him very much, for this man did not wait in the queue for mercy from God, but he did things for himself. I asked myself, "Supposing I do not go to work and pray for bread, will I get bread?"'

'As I grew up I did not think of politics, but I looked for some organization which would put forward our grievances, all the hardships which I saw my people suffer. In church, I saw women, especially during Easter, who would weep bitterly when told about how Jesus was treated by the Jews. I felt there was something very wrong, for after weeping nothing would be done. They all waited for some power from God. But in the Scriptures it is also said that prayers without deeds mean nothing before God. I longed for a change in the country. As a Christian I read about women like Esther who saved her nation, women like Lot's wife who did not see the Promised Land and was turned into a pillar of salt because she looked back to her children. . . . I said to myself that we are definitely a nation. If we could be given a chance to learn we would definitely do so. But certainly something must be done, not prayers alone.

'In May 1918 I marched with thousands of other garment workers to the City Hall steps to the meeting called about the banning of Solly Sachs, the General Secretary of the Garment Workers Union. When Mr Sachs began to speak the police rushed, broke the microphone and dragged Mr Sachs into the City Hall. There was such a crowd and we just saw police throwing chairs into the air over us and batons charging us. My daughter was hit on the right side by a policeman with a baton.

'In June and July of that year, I read in the papers about the Defiance Campaign and saw pictures of Africans being loaded into prison vans in Port Elizabeth and Johannesburg. I had heard of the African National Congress by this time, but did not know exactly what it stood for. One day my neighbour called me, "You wanted to know how this is carrying on. Come, let us go to a meeting!" I went with him to Orlando Hall; it was packed out, speaker after speaker asked volunteers to come and join Congress and one explained what it stood for. He said that Congress was the mouthpiece of the African people because we have no vote. This was the only organization which was trying to make its voice heard by the ruling government. I was very much inspired for I saw men, young and old, and women sacrificing to go to gaol.

'I said to myself, "Ah, this is the real stuff, I've been wanting to draw the attention of the ruling people to our deeds, to show them that we are dissatisfied. . . ." I also thought this Apartheid was most

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stupid. We peel the Europeans' potatoes, we bring up their children, we actually sleep with their children, when their mothers and fathers are out in the evening. But when it comes to wages, to employment, we are called Kaffirs. And we are told that in Heaven we shall live with them!'

After joining the African National Congress, Lilian also became a defier and walked boldly into the post office, into the section reserved for Whites, and was very busy writing a telegram to the Prime Minister when she was arrested for breaking Apartheid regulations. She was, however, discharged and told not to defy Apartheid again!

As a member of the African National Congress she was invited to the First National Conference of women of all races in 1918.

'The first impression I got was the placards. "Away with Bantu Education!" "Women want freedom", "Women want peace all over the world!" with a dove on it. Those impressed me very much because I was very much against Bantu Education. . . . We are mothers of our own children, brought up in hardship, but somebody else decides what education they should have. I asked myself if it was because we had inferior brains, but my answer was NO!

'At this gathering of women, we could express ourselves and hear views from women of other racial groups. I was elected National Vice-President and later Transvaal President of the Federation of South African Women.'

Lilian had also been elected to the Executive Committee of the Garment Workers Union and to the National Executive Committee of the African National Congress in which she also became both Transvaal and National President of the Women's League. In 1918 she was elected as a delegate to the World Congress of Mothers to be held by the Women's International Democratic Federation in Switzerland and slipped out of South Africa without a passport, returning just before the law was passed making this an offence carrying a long period of imprisonment.

That journey to other lands was a revelation to Lilian, an entry into a world in which there was no colour bar, a world in which she walked free and equal with others. She travelled to the Soviet

Union, to China, to Germany, to England and came back to her own land, enriched and inspired. When she landed at the airport on her return she fell on her knees and kissed the ground in her joy at returning to the land of her birth, the land which she herself would help to make as free as those other countries she had visited.

Since her acquittal, Lilian has devoted her whole life to the political struggle, working amongst and organizing women. But in October 1918, she received her first banning order prohibiting her from attending any gatherings for five years, so that Congress platforms will no longer hear this passionate fiery speaker, who could move her audience to tears or laughter so easily. Within a month of her ban, she was arrested for breaking it—at a party in her own house. She spent a weekend in gaol before being bailed out, but the charge against her has now been withdrawn—after the police had spent fruitless weeks of interrogating her many guests, vainly trying to find even *one* who would agree that the party had been a meeting.

JOHN K. NKADIMENG, *Accused Number Fifteen*. 'I was born in a village, Manganeng in Sekhukhuniland, Lydenburg district, Eastern Transvaal. I am a Trade Unionist.

'We were a very proud family when my wife had twins during the trial, born 12th May 1918, but one of them died from malnutrition in September 1918. By the time this child died, we already had a boy who was born on the 25th June 1918.'

John Nkademeng had been a prominent member of both the African National Congress and the South African Congress of Trade Unions; during the Congress of the People he was deputy volunteer-in-chief in the Transvaal. During the Defiance Campaign John Nkademeng was arrested, not for breaking the Apartheid laws, but on a charge of 'conspiracy' even before any laws had been challenged. He remained in prison for twenty-nine days and then was finally discharged before ever coming to trial. On returning from gaol, his job was gone. He then became a full-time organizer in the Trade Union movement up to the time of the arrest; a prominent member of the African National Congress, he was deputy volunteer-in-chief for the Congress of the People and the Resist Apartheid Campaign.

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A keen student, John utilized every moment of his time in Court reading avidly—only occasionally listening to the legal argument. But, during the Defence evidence, John followed closely as we all did.

John is one of those who has dedicated his life to the struggle of his people. He seeks employment in the Trade Union field if he can get it, for his heart is in Trade Union work. But he is ready to go anywhere, to do anything at any time. 'I can't do otherwise,' he will say.

On May 3rd 1918 John was arrested in Sekhukhuniland, for entering his own birthplace without a permit. He was held in gaol for thirty-eight days without bail and finally convicted and fined £25.

PHILEMON PEARCE DUMA NOKWE, *Accused Number Sixteen*. If you saw a group of accused towering over a small, dynamic, gesturing figure, you would know that they were surrounding Advocate Duma Nokwe, a little man with a great heart, and a great brain, and a passionate devotion to the struggle of his people.

A brilliant school record at St Peters, the Anglican college, brought him a first class matriculation and he was off to Fort Hare College, where he found Joe Matthews; 'Hutch', Henry Makgote and Joe Molife went with him from St Peters, their paths crossing and re-crossing until they found themselves all on the road to the treason trial. From Fort Hare he went to teaching, his first and, he says, his only real love apart from the political struggle. 'When we get freedom,' says Duma, 'just give me a school again.'

Then he began to study law as well. Today he says he doesn't know how he managed it on £15 a month, with a wife and child, but nevertheless he paid his own way. A defiant determination to succeed inspired him, for one of his bitterest memories in life was the gratuitous advice from Professor Hahlo, then Dean of the Faculty of Law at the Witwatersrand University, that he should give up law as he was wasting his time, since Africans were incapable of passing the law examinations. From that moment he felt that he owed it to himself and to his people to prove this to be a lie. He did so, passing his exams without difficulty and becoming the first African barrister in the Transvaal.

But the battle was not over, for he met with brutal discrimination when he applied for permission to occupy Chambers in the centre of Johannesburg; as a non-European the Group Areas Act precluded him from this, and he fought a bitter battle. The Minister of Native Affairs, Dr Verwoerd, the present Prime Minister, advised him to go and practise in the 'Native Areas'.

Even before starting to practise, Duma was banned by the Minister of Justice from attending any gatherings and he was also confined to Johannesburg for a period of two years. Again he fought the Minister for permission to go outside Johannesburg to other Courts, to the Appeal Court in Bloemfontein, but he always met with a blank refusal until the ban expired. In 1918 he was again served with a ban on attending any gatherings for five years and in 1918, after his acquittal, received a further confinement ban, also for five years.

Despite his youth, Duma rocketed to leadership in the political field; National Secretary of the Youth League in 1918, he was on the National Executive of the African National Congress from 1918, and Secretary to the National Working Committee from 1918, following Oliver Tambo as Secretary General from 1918. With others who left South Africa by the 'back door' in the days when you could do so and still come back without imprisonment, he travelled in Israel, England, China and the Soviet Union.

His gaol baptism was in the Defiance Campaign. In 1918 he was caught up in the treason arrests, and again in the Emergency detention. On the treason trial he appeared in his own defence, an advocate in his own right, and together with Nelson Mandela he played a great part in the preparation of the Defence during the Emergency, directing and preparing both the witnesses and the 'Advocates', Adams and Kathrada. He was vigilant for every opportunity of showing the Court the real significance of carrying on in such conditions.

Fiery, impetuous, able, Duma has the gift of laughter and good fellowship. He is ever ready to break into a smile, and will go on with his epic fight for the freedom to come. 'I am confident,' he says, 'that the years of struggle of my colleagues, both Black and White, have not been wasted and that in the very near future we shall rid South Africa of the scourge of Apartheid.' A week after he was freed from the treason trial, he was arrested with Joe Molife, to join those already arrested under the Unlawful Organizations Act.

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For this he was sentenced to twelve months' imprisonment. His case has gone to appeal.

A barrister of nearly five years standing, he has had virtually no practice at all since his acquittal; four and a half years on the treason trial had seen to that. Duma, however, has not attempted to build up a legal practice again, but has dedicated his whole life to the struggle of his people.

ROBERT MABILWANE RESHA, *Accused Number Seventeen*. Born in 1920 in Queenstown, Robert Resha completed Standard VI of his primary school and then came to Johannesburg to work in the mines for two years, working underground for thirteen months. He continued his education by correspondence, although he did not complete the course. Beginning by part-time freelance work as a sports reporter, he eventually adopted journalism as his career.

It was through Clements Kadali, the veteran East London leader of the Industrial and Commercial Workers Union that 'Robbie' became interested in politics in his youth, joining the African National Congress only in 1939, sometime after he came to Johannesburg. He describes himself as being a 'paper' member then, but the protest against the increased tram fares to the Western Native Township brought him into active participation. The Defiance Campaign saw him leading a group of defiers to gaol.

Resha was a prominent member of the militant Sophiatown branch up to the time of his own forced removal in 1955 when his home there was demolished for the second time.

Transvaal President of the African National Congress Youth League in 1953, a member of the National Executive of the African National Congress and acting Transvaal Provincial Secretary in 1955, Resha has played a very prominent part in the political field. He was the leading figure in the campaign against the Western Removal, and also National Propaganda Officer for the African National Congress Youth League in 1958 and acting National President of the Youth League in 1958 and 1959. He was the Press Relations Officer of the African National Congress in 1959.

In 1958 he received a five year ban on all gatherings and was also confined to Johannesburg for five years.

An extremely able journalist, and an unsurpassed speaker, Resha's contribution to the liberation movement has been considerable; prior to his bans he was very well known in Congress in all the main centres of the Union. He reported the treason trial for *New Age* for the last two years.

He is an uncompromising opponent of Bantu Education. His two daughters are being educated in Basutoland. His wife is a qualified midwife. Maggie Resha is a prominent woman leader and served a sentence in after losing her appeal against a conviction for incitement in . Resha was himself in detention under the Emergency Regulations at the time that his wife was in gaol, and when she came to visit him after she was discharged, we welcomed her with pride.

Militant, uncompromising, arrogant, 'Robbie' is a formidable opponent, but a staunch and loyal friend. At times dominated by his passionate anger at the injustices heaped on his people, he has yet accepted intellectually the correctness of the African National Congress policy of non-violence.

When the treason trial was over Resha was sent out of South Africa by the African National Congress to be their 'roving ambassador'. He would himself have chosen to stay with his people, but his personal wishes had to give way to the decision of his organization. So 'Robbie' has gone from South Africa by that one-way back door.

PETER KAYE SELEPE, *Accused Number Eighteen*. Born in 1919, Peter Selepe served in the army during the Second World War, rising to the rank of sergeant, the highest rank permitted to a non-European, commissioned rank being reserved for the Whites. While serving in the army he was a member of the militant Springbok Legion.

A member of the Dube Branch of the African National Congress, he was among those who received banning orders not only forbidding him to attend gatherings for five years, but also prohibiting him from ever again being a member of the African National Congress and other organizations.

After sitting through four and a half years of trial during which

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his name was hardly ever mentioned by the Crown, Peter Selepe received a further banning order just one week before the trial ended. He is now forbidden for another five years to attend any meetings, and is struggling to re-establish himself in the business world.

WALTER MAX SISULU, *Accused Number Nineteen.* Walter Sisulu started his career like thousands of other Africans. At seventeen he had to leave his home in the Transkei to find work in the gold mines along the Reef. Born a rebel, Walter hated the work and the atmosphere of oppression on the mines. When he returned home, he went to work in a kitchen in East London and then he came under the influence of the Industrial and Commercial Workers Union and their spell-binding leader, Clement Kadalie.

He moved with his family to Johannesburg and worked in a bakery for 18s a week, while his mother did washing for Europeans in Doornfontein. In due course he led his first strike in the bakery for higher wages, when it was agreed that the workers should put on their best suits so as to make it clear that they were *not* going to work, and march to the bakery at ten o'clock. The manager, grim faced, met them. Walter spoke on behalf of the workers, but the manager completely ignored him and addressed himself to the other workers, one by one, and they all meekly went back to work, best suits and all! Walter was left standing and walked out, head high, but with no job. He laughs as he tells this story, and of how the men were so ashamed afterwards that they had a whip-round of a shilling each for him:

Walter Sisulu has come very far from that day along the hard path of political struggle. By 1918 he was the accepted leader of thousands of African men and women. Along that path Walter has seen White civilization at first hand—African poverty, police raids, the humiliation of his people everywhere, the constant bawling by policemen, 'Kaffir, where is your pass?' In 1918 he joined the African National Congress and together with Oliver Tambo helped to form a Youth Movement; he became the Treasurer of the Youth League, with Oliver as Secretary.

When the Nationalist government came into power in 1918, there were successive waves of further repression, but the resistance of the

Africans grew by leaps and bounds. The African National Congress Youth League had grown in importance, showing a spirit of new militancy, and by 1918 changes had taken place in the Congress leadership flowing from the determination and forcefulness of this growing body of young men. Walter himself was chosen by the African National Congress as Secretary General and his influence has been long and deeply felt in the Congress movement.

The Defiance Campaign saw Walter Sisulu in the fore-front and he was convicted with nineteen others of 'furthering the aims of Communism' through this campaign of passive resistance which won the admiration of the whole world. Through this conviction the Minister of Justice could and did ban Walter as a 'statutory' Communist, despite the fact that he had had no connection whatsoever with the Communist Party. He was banned from the African National Congress itself, never again to be a member or to hold any office in it. To this man who had given his whole life to the Congress struggle, this was a terrible blow. 'It is difficult,' he says, 'to comprehend what it really means to be forbidden any part in the work to which you have dedicated yourself. To be banned from gatherings is bad, but to be cut off from your life work comes as a spiritual shock. Thereafter there is no middle path. Either a man resigns himself and leaves the political field, as some have done, or he determines to rise above the ban.' Today Walter Sisulu is as much part of the people's struggle as ever he was, for no man can be banned from the desire of the people to be free.

In 1918 Walter received an invitation to visit the USSR, China and other countries of the Communist bloc. He was tremendously impressed and inspired by what he saw in those new countries. Above all, he was happy to find almost half the world so free from race prejudice and sincerely supporting the cause of African freedom.

Active struggle brought Walter away from his former, somewhat narrow, nationalistic anti-White attitude and towards co-operation with all truly democratic sections, irrespective of race. But he says that this is not due to change in himself; it is a development that comes with confidence in oneself and in others, White or non-White. Walter has learnt confidence in those Whites pledged to the struggle and it is this which breaks down the prejudices of nationalism.

Walter Sisulu embodies the finest qualities of African leadership;

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a big-hearted man, a brilliant mind and a true appreciation of Africa's role in the new epoch of world history.

No account of Walter would be complete without mention of his handsome and courageous wife, Albertina, who has identified herself with the thorny path of her man. A trained nurse, her role has been to maintain the family and the home in addition to her own militant work as a women's leader, and Walter proudly claims that without her his own contribution would never have been possible.

Since his acquittal the police have continued their relentless petty persecution of this great leader. He is subjected to repeated petty demands for his pass—he was stopped in a busy Johannesburg street recently while walking with a friend and his pass demanded. Failure to produce it led to arrest, a few days in the police cells, and a sentence of £15 fine or three months' imprisonment. Walter was also arrested on a charge of attending a 'gathering' when he was at Lilian Ngoyi's party at her house, and this meant another few days in the cells before being charged and then finally having the charge withdrawn.

GERT SIBANDE, *Accused Number Twenty*. Born in the Ermelo district sixty years ago, Sibande grew up on the farms in the notorious Bethal district, scene of the dramatic exposure by Michael Scott of farm gaol conditions. Working as a labourer tenant himself, Sibande knew the reality of this particular branch of exploitation. This man, to be known as the 'Lion', never went to school but managed to teach himself to read and write, as he says, 'up to a point'. A great believer in the Bible, a devout Christian, he was a lay preacher of the Apostolic Church of Zion of South Africa from 1922. The father of ten children, only two grown-up, he has been widowed twice; his second wife died during the trial itself, leaving him with the responsibility of this large family of young children.

Sibande's first introduction to the African National Congress was through his father, also a member. He went to his first meeting in 1921, as a boy of nineteen, but it was only years later that he himself joined the organization in which he was to play so militant a role. His greatest struggle was amongst the peasants, as their leader and their spokesman.

Sibande is recognized as a leader of his people throughout the Transvaal. Powerfully built, utterly fearless, and a man of the people, he is a true son of the soil. In 1918 he was elected Transvaal President of the now banned African National Congress, chosen by the townsmen of Johannesburg as well as the people of the rural areas.

Cross-examination by the Crown left Sibande untouched, and he gave his evidence simply, using the language he always used, explaining that it was his custom to use images from the Bible and to refer to the Walls of Jericho and the 'dark river which we must go through. We do not know what is on the other side. There may be blood in the river.' To him everything fell into place in the context of the Old Testament and the attempts of the Crown to find a sinister violent meaning in the utterances of this man of the Transvaal were made nothing of. And the Court accepted Sibande's explanation.

Since the end of the trial, Sibande has once again given himself wholly to the struggle of his people, organizing the Transvaal Farm Labourers Union, back with the men of the fields for whose rights he has fought for so many years.

SIMON TYEKI, *Accused Number Twenty-one*. Born in 1904, Simon Tyeki first lived and worked as a farm labourer in Bethal, where his own revolt against the treatment of the farm tenant and labourers awakened his interest in politics. A devoted member of the Zionist Church, he was a lay preacher for a while and has always retained his deep religious convictions. By 1918 he had already been in Johannesburg for many years. He had gradually built up a coal merchant's business and had acquired a piece of land in Sophiatown, then still a multi-racial township with freehold property rights for people of all races.

Simon Tyeki took an active part in the Defiance Campaign and by 1918 was on the Executive Committee of the Sophiatown Branch of the African National Congress, one of the biggest and most important in the Transvaal. He was in fact Chairman of the Branch throughout the period of the campaign against the Western Areas Removal. He himself suffered very severe losses. He would not sell

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his property until the bitter end, when he was forced to let it go to the Government, for just enough to pay off the remainder of the bond. But this was only after years of resistance and in losing that little property Simon Tyeki had lost his all. An ageing man, he now has no home; at the beginning of the trial he was struggling to earn a little money by driving a taxi, but he could not keep up the instalments. Instead of being able now to think of a secure home for his age, he has no home at all and no future. To be provided with a house in the Municipal Townships he must be in employment—at the age of fifty-seven, after four and a half years on trial.

Simon Tyeki has never been to school; he does not read and write. During the trial he once whispered to me when Maisels was arguing, 'It must be very good to be able to understand!' But he is a fiery and inspired speaker himself, a great-hearted leader of his people. He is deeply and simply religious, and his speeches come from the heart. At Moretsele's funeral, he spoke of the comrade with whom he had shared the political struggle for so many years, who had been on the trial with him for so long.

'Just as Maisels,' he said, 'is our representative in the trial at the Court, so Moretsele has gone to be our representative in Heaven and when he talks with God about it, this case will collapse.' Ten days later the trial was over.

Months of unemployment followed for Simon Tyeki and even today he can do no more than eke out a precarious living by buying and selling.

C. J. MAYEKISO, *Accused Number Twenty-two*. Born 1913 in Idutywa, Cape Province, Mayekiso became a textile worker and an active Trade Unionist. He joined the African National Congress in and took a leading part during the Bus Boycotts in Port Elizabeth; he was one of the organizers of the May Day and June 26th strike in in Port Elizabeth. During the Defiance Campaign he led a batch of one hundred and thirty-two defiance volunteers and served fourteen days' imprisonment.

In 1918 he was arrested for incitement to public violence or sedition, but was acquitted. He was convicted in for organizing an illegal May Day meeting in New Brighton (Port Elizabeth). National President of the African Textile Workers Union, an active

member of the South African Congress of Trade Unions and Volunteer-in-Chief in New Brighton, Port Elizabeth, Mayekiso was also a prominent member of the African National Congress National Executive.

On April 18th 1918 Mayekiso was discharged from his job through his prolonged absence on the trial and his wife had to take up employment as a domestic servant, earning £6 10s per month to feed and clothe five children.

Now that the trial is ended, Mayekiso is once more a trade union organizer. During May 1918 he, together with so many others, was arrested and held without bail for twelve days, but was discharged when his case finally came to Court.

B. NDIRIMBA, *Accused Number Twenty-three.* Born in 1921, Ndimba came into active politics during the mass removal of the African people from the township of Korsten (Port Elizabeth) and has been one of Korsten's leaders since then.

'When I went back to Korsten, Port Elizabeth, in August during an adjournment of the Preparatory Examination of the treason trial, I found that the house I lived in was demolished under a Removal Scheme and my family were resettled at Zakhele, a site and service township in Port Elizabeth. After a struggle I finally found my wife and children.' Such simple words to describe such an upheaval.

Tall, genial, Ndimba was ever ready with a pleasant smile. During our five months' detention during the State of Emergency, he had to spend most of his time in the gaol hospital, suffering from acute vitamin deficiency. But he said he enjoyed it; he slept on a proper bed and had better food in the hospital! He was totally deaf in one ear, and the other ear began to trouble him just when he was returning to normal life. Employment is not easy for a handicapped man and Ndimba is still struggling to re-establish himself.

WILTON MKWAYI, *Accused Number Twenty-four.* At the time of his arrest, Mkwai was Secretary of the African Textile Workers In-

dustrial Union, Port Elizabeth and Uitenhage Branch, and Cape Volunteer-in-Chief of the African National Congress. He was born in 1923 in Middledrift district village, Cape, under the authority of Chief Velile Sandile. At the age of twenty, the oldest of a family of thirteen, he had to leave school in Standard IV because his parents died. He worked to keep his younger brothers and sisters, first in a dynamite factory and then at the harbour as a stevedore.

In 1918 Mkwayi became a factory worker again, and began to organize a Trade Union, but in 1918 he was sentenced to five days' imprisonment or £10 for having led an illegal strike of the workers. He found employment in another factory but again was dismissed after being convicted of leading an unauthorized procession of the African National Congress early in 1918. He took up full-time active Trade Union work and organized the African Textile Workers Industrial Union (Port Elizabeth) when Gladstone Tshume, its organizer, was banned and forbidden to do Trade Union work.

In the course of his duties as a trade unionist Mkwayi represented his Union successfully in 1918 in negotiating the settlement of a dispute at one of the branches, and also assisted workers in another factory when they struck in 1918. They were convicted under the Native Labour (Settlement of Disputes) Act, but the factory could not recruit labour subsequently and had to close down. Mkwayi could not, however, continue as Secretary of the African Textile Workers Industrial Union because he had to spend almost all his time in Johannesburg.

When the mass arrests took place during the Emergency, Mkwayi was amongst the twelve unarrested accused who appeared in Court on March 30th, only to be taken by the police as they left the Court. But Mkwayi found to his surprise that he was pushed aside; and he felt that this was no moment to insist on arrest! And so he made his way to other parts of South Africa where he could be of more use than sitting in gaol. By the time that the Emergency was over, Mkwayi had long been sent to represent the militant non-White Trade Unions in other lands, to win support for the liberation struggle in the free Trade Union world outside South Africa. Mkwayi was no escapee from the trial; as Chief Volunteer of the Eastern Cape, he had expected obedience from those under him. and as a true volunteer he obeyed the orders given to him.

SIMON PAKAMA MKALIPE, *Accused Number Twenty-five*. Simon Mkalipe represented a new element in the witness box, that of a local branch chairman, an official who did not feature at the high executive level, but carried on the day-to-day work of the organization. He told his story and gave his testimony simply, unpretentiously, almost diffidently, yet with an unshakable belief in the rightness of his stand and cause.

Born in Grahamstown in 1913, he was truly a man of the Eastern Cape. Standard IV marked the limit of his schooling, and he had remained a subordinate employee, working for many years canvassing cigarettes around the factories. Deeply religious, he had yet quarrelled with the Methodist Church because the Minister had objected to the African National Congress volunteers attending Sunday services in their uniforms. Mkalipe in his deep slow voice explained: 'He said, My Lord, that it wasn't proper to come dressed in uniforms to the services of God, uniforms being things that were made for the material things of life, and not for the church services of God. But in 1918 I heard a Minister preaching from the pulpit of the Church—I would like to put it in this way rather, My Lord, that Ministers of religion in the army, for instance, preached to people with uniforms on their bodies. Therefore I found his idea in regard to that . . . I did not agree with that.' To Simon Mkalipe the things which the Minister described as earthly were the concern of the Church, and that was in fact the basis of his whole attitude to religion and the struggle of the African people for freedom.

Life had been hard for Simon Mkalipe; during the trial his home was demolished under a local removal scheme, when the Western Areas scheme came to Port Elizabeth. Meanwhile his wife and his small children were, as he said, 'squatting in my brother's house'. Two of his children are very young indeed, born during the trial. But he has doggedly continued his fight for what he believes to be right.

He has been harried and persecuted by the police from the time when he first went to prison during the Defiance Campaign, and had to be discharged on account of the serious condition of his eyes; he has been convicted no less than five times, for illegal meetings, for using a microphone without a permit, for reading extracts from the Bible at a prayer meeting—for this he served four months in gaol because he had no money to pay the fine. And there he was,

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still in gaol on that fateful morning of the arrests of December 5th so for Simon it was just a transfer from one gaol to another, and he served out the rest of his sentence in the Johannesburg gaol when we were all released on bail, coming every day to Court until he had completed his sentence.

Yet the condition of his eyes is the same today as it was when he was released from gaol during the Defiance Campaign; maybe it is a little worse, for there is little hope that it can get better. On the day when the treason trial ended, Simon was not with us; he was in an eye hospital undergoing lengthy treatment in an attempt to save what is left of his vision. For four and a half years he had been with us in Court day after day, unable to read but following every word of the evidence of the argument with fierce attention. He sat just behind me and would nod his head in agreement or say gruffly, 'No, no, it was not like that.'

A few months after the end of the trial Mkalipe was discharged from the eye hospital and returned to Port Elizabeth. But his vision is fast failing and he is mainly dependent upon his wife and his friends.

J. KAMPENI, *Accused Number Twenty-six*. Born in 1910 in Korsten, Port Elizabeth, Kampeni became a businessman and joined the African National Congress in 1918. He played an important part in local affairs as Chairman of the local ratepayers' association, which defended African property rights. During the Defiance Campaign he was a member of the Welfare Committee which catered for the families of defiers and later on was a member of the Education Council formed at the time of the Bantu Education Boycott.

At the conclusion of the Crown evidence on Kampeni, Advocate Plewman made an application for his immediate release, submitting that there was absolutely no evidence against him in the case presented by the Crown, but the Court would not agree to deal with this particular accused at that time without further argument.

So Kampeni did not straightaway pack his bags to go home, but remained with us until the end. A few weeks more, a few weeks less, by then it had ceased to matter to us personally—after four years.

MILNER BONAKELE FRED NTSANGANI, *Accused Number Twenty-seven*. Born in the Eastern Cape in 1923, Fred Ntsangani lived most of his life in Port Elizabeth, until he returned to Middledrift in 1918 to build up a connection as an agent for a Durban commercial firm. In 1918 he joined the African National Congress in Port Elizabeth. His interest in politics was aroused by rent increases and the many other problems of the African people, so he became very active in the African National Congress and was a group leader in the Defiance Campaign. In the African National Congress Youth League he was the branch president, and he was also a member of the National Executive. As a Defence witness he was cross-examined by Mr Trengove and put up a very spirited resistance. Lively interchanges between the Prosecutor and witness led to the accusation finally by the Crown in argument that Ntsangani had given his evidence 'with studied insolence and impertinence, just as Resha had done'. Ntsangani certainly managed to get under the skin of Trengove with his fiery sarcastic replies and his open contempt, expressed in the very angle of his head and the way he sat in the witness box.

A colourful flamboyant personality, Ntsangani flung himself into everything he did with fantastic energy and enthusiasm. To watch him play draughts was an experience, each move was made with such vigour and bravado. During lunch hours spent down at the Court during detention, he became the unchallenged king of the draughtboard as far as the accused were concerned, defeating all comers, even the Pretoria champion of the non-European police, who came specially to play against this wizard from the Eastern Cape. At the gaol too, he was the champion of all the 250 detainees in the Pretoria 'local'.

Since his acquittal Ntsangani has returned to Durban where he is now devoting his whole time to the struggle of his people.

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'During my early school days at the age of seventeen, I used to help my Uncle Gladstone at the Trade Union offices, selling pamphlets on Trade Unionism, the Congress and other workers' papers.' For many years Tshume gave all his spare time to Congress, and his short stout figure with the imposing walrus moustache was always to be found when there was Congress work to be done. President of the African National Congress in the Cape, and Cape Secretary of the African National Congress in 1918, he was also on the National Executive of the ANC.

'I defied the unjust laws during the Defiance Campaign and served a sentence of imprisonment. I have been arrested many times for holding and addressing illegal meetings and for slogan writing.'

At the end of 1918 his employers decided to discharge him from employment in the factory, telling him that he should come and see them when he was through with his case, but his case was to go on for another three years.

In May 1918, Tshume was amongst those arrested and held for twelve days without bail. He was brought to Court and charged but before the actual case began Tshume had left the country.

THEMBEKILE ENOCH KA TSHUNUNGWA, *Accused Number Twenty-nine.* Thembekile Tshunungwa was born in 1923; he comes from the Royal House of Tembuland and is closely related to the present Paramount Chief, Kaiser Matanzima.

'I was President of the Teachers' Association which was opposed to the measures to retard Native Education as promulgated in a Departmental Education Gazette on July 14th 1918. In disgust I decided to leave the classrooms and came up to Johannesburg where I read more about the African National Congress and then I went to East London. There I found a very active branch of the African National Congress Youth League and I decided to join the movement, and took part in Youth League opposition to East London City Council's action in imposing a 2s lodger fee on tenants.'

A member of the African National Congress Executive as well as being Provincial Secretary for the Cape Province, Tshunungwa

became the national organizer for the Congress of the People Campaign.

During the five months of detention 'Thembi', or 'Tshunks' as he was sometimes called, was the financial expert for the accused. All monies were deposited in his name and drawn in small amounts daily by him from the gaol for our tea or coffee and cigarettes at Court. We certainly couldn't do any lavish shopping, though it was quite amazing what we managed to accumulate. With unassailable good humour he sorted out the accused's allowances, withstanding all arguments and disputes. Tall, volatile, quick of tongue, Tshunungwa made a lively contribution during those months of detention.

After the trial was over, Tshunungwa returned to Queenstown in the Eastern Cape where he is endeavouring to rebuild the business which he had started before his arrest four and a half years previously.

DR W. Z. CONCO ('ZAMIE'), *Accused Number Thirty*. Dr Conco's parents had had a limited education themselves, but they had struggled to send their son to school. He was born in 1919, and grew up among children who were herdboys and who were all offspring of poor, struggling parents. After passing his standard VI examination in the local school, he went to Marianhill Institution where he commenced a teacher-training course in 1918. This training course lasted five years and then he entered for his matriculation examination.

Zamie spent one year at Fort Hare in a pre-medical course and completed his medical degree at the University of the Witwatersrand. His practice in Umzimkulu in the Transkei was among a community of poor Reserve peasants and he was Honorary Medical Officer to a small reserve hospital of forty beds.

As he was confined to Umsimkulu by a banning order, Dr Conco developed his practice there, but in addition to the difficulties involved in having to leave his practice when he was arrested during May 17th and 18th 1918, his home was caught in the worst floods in Umzimkulu. His personal loss was extensive—estimated at well over £2,000. All his furniture, books, drugs, instruments and buildings were destroyed.

IF THIS BE TREASON

During the trial Dr Conco used to spend the evenings of every week struggling to practise wherever he might be staying, Johannesburg or Pretoria. During the last months of the trial he used to drive 400 miles to Natal immediately the Court stopped on midday on Fridays so as to be able to have Saturday and Sunday to see patients in Umzimkulu. He would drive back to Pretoria through the night on Sunday to be in time for Court on Monday morning. No wonder he used to sleep in Court, tucked away at the back!

Amongst the accused, Zamie was very popular, with his quiet unshakeable good humour and friendly smile. He was a born peace-maker, yet the Crown alleged this gentle soul to be an arch conspirator and advocate of violence.

We called him 'The Mayor of Pretoria' as he arrived each day by car, sometimes a few minutes late—even on the last day of all he was nearly too late for his acquittal!

Dr Zamie Conco was Deputy-President-General of the African National Congress in Natal, when Chief Luthuli, the President General, became seriously ill. He has also been President of the African National Youth League and Treasurer General of the African National Congress. He was the first Defence witness to take the stand, and endured a gruelling cross-examination by Advocate Trengove, running the whole gamut of the case and lasting for six days.

After his acquittal Dr Conco decided to establish his medical practice in the Swaziland Protectorate.

APPENDIX A

PROGRAMME OF ACTION OF THE AFRICAN NATIONAL CONGRESS

The fundamental principles of the Programme of Action of the African National Congress are inspired by the desire to achieve national freedom. By national freedom we mean freedom from White domination and the attainment of political independence. This implies the rejection of the conception of segregation, Apartheid, trusteeship, or White leadership which are all in one way or another motivated by the idea of White domination or domination of the White over the Blacks. Like all other people the African people claim the right of self-determination.

With this object in view of the light of these principles we claim and will continue to fight for the political rights tabulated on page eight of our Bill of Rights such as:

1. The right of direct representation in all the governing bodies of the country—national, provincial and local, and we resolve to work for the abolition of all differential institutions or bodies specially created for Africans, viz. representative councils, present form of parliamentary representation.
2. To achieve these objectives the following programme of action is suggested:
 - (a) the creation of a national fund to finance the struggle for national liberation.
 - (b) the appointment of a committee to organize an appeal for funds and to devise ways and means therefor.
 - (c) the regular issue of propaganda material through:
 - (i) the usual press, newsletter or other means of disseminating our ideas in order to raise the standard of political and national consciousness.
 - (ii) establishing of a national press.

IF THIS BE TREASON

3. Appointment of a council of action whose function should be to carry into effect, vigourously and with the utmost determination the programme of action. It should be competent for the council of action to implement our resolve to work for:

- (a) The abolition of all differential political institutions the boycotting of which we accept and to undertake a campaign to educate our people in this issue and, in addition, to employ the following weapons; immediate and active boycott, strike, civil disobedience, non-co-operation and such other means as may bring about the accomplishment and realization of our aspirations.
- (b) Preparations and making of plans for a national stoppage of work for one day as a mark of protest against the reactionary policy of the Government.

4. *Economic*

- (a) The establishment of commercial, industrial, transport and other enterprises in both urban and rural areas.
- (b) Consolidation of the industrial organization of the workers for the improvement of their standard of living.
- (c) Pursuant to paragraph (a) herein instructions be issued to Provincial Congresses to study the economic and social conditions in the reserves and other African settlements and to devise ways and means for their development, establishment of industries and such other enterprises as may give employment to a number of people.

5. *Educational*

It be an instruction to the African National Congress to devise ways and means for:

- (a) Raising the standard of Africans in commercial, industrial and other enterprises and workers in their workers' organizations by means of providing a common educational forum wherein intellectuals, peasants and workers participate for the common good.
- (b) Establishment of national centres of education for the purpose of training and educating African youth and provision of large scale scholarships tenable in various overseas countries.

6. *Cultural*

- (a) To unite the cultural with the educational and national struggle.
- (b) The establishment of a national academy of arts and sciences.

7. Congress realizes that ultimately the people will be brought together by inspired leadership, under the banner of African Nationalism with courage and determination.

MAGAZI HALL
BLOEMFONTEIN

G. I. M. MZAMANE
D. W. BOPAPE

APPENDIX B

THE FREEDOM CHARTER

We, the People of South Africa, declare for all our country and the world to know:

that South Africa belongs to all who live in it, Black and White, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

and therefore, we, the people of South Africa, Black and White together—equals, countrymen and brothers—adopt this Freedom Charter. And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won.

THE PEOPLE SHALL GOVERN!

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;

all people shall be entitled to take part in the administration of the country;

the rights of the people shall be the same, regardless of race, colour or sex;

all bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

ALL NATIONAL GROUPS SHALL HAVE EQUAL RIGHTS!

There shall be equal status in the bodies of State, in the Courts and in the schools for all national groups and races;

all people shall have equal right to use their own languages, and to develop their own folk culture and customs;

all national groups shall be protected by law against insults to their race and national pride;

the preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

all Apartheid laws and practices shall be set aside.

THE PEOPLE SHALL SHARE IN THE COUNTRY'S WEALTH!

The national wealth of our country, the heritage of all South Africans, shall be restored to the people;

the mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole;

all other industry and trade shall be controlled to assist the well-being of the people;

all people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

THE LAND SHALL BE SHARED AMONG THOSE WHO WORK IT!

Restrictions of land ownership on a racial basis shall be ended, and all the land redivided amongst those who work it, to banish famine and land hunger;

the State shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

freedom of movement shall be guaranteed to all who work on the land;

all shall have the right to occupy land wherever they choose;

people shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

IF THIS BE TREASON

. ALL SHALL BE EQUAL BEFORE THE LAW!

No one shall be imprisoned, deported or restricted without a fair trial;

no one shall be condemned by the order of any government official;

the courts shall be representative of all the people;

imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;

the police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

all laws which discriminate on grounds of race, colour or belief shall be repealed.

ALL SHALL ENJOY EQUAL HUMAN RIGHTS!

The law shall guarantee to all their right to speak, to organize, to meet together, to publish, to preach, to worship and to educate their children;

the privacy of the house from police raids shall be protected by law;

all shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;

Pass laws, permits and all other laws restricting these freedoms shall be abolished.

THERE SHALL BE WORK AND SECURITY!

All who work shall be free to form Trade Unions, to elect their officers and to make wage agreements with their employers;

the State shall recognize the right and duty of all to work, and to draw full unemployment benefits;

men and women of all races shall receive equal pay for equal work;

there shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;

miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

child labour, compound labour, the tot system and contract labour shall be abolished.

THE DOORS OF LEARNING AND OF CULTURE SHALL BE OPENED!

The Government shall discover, develop and encourage national talent for the enhancement of our cultural life;

all the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands;

the aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;

education shall be free, compulsory, universal and equal for all children;

higher education and technical training shall be opened to all by means of State allowances and scholarships awarded on the basis of merit;

adult illiteracy shall be ended by a mass state education plan;

teachers shall have all the rights of other citizens;

the colour bar in cultural life, in sport and in education shall be abolished.

THERE SHALL BE HOUSES, SECURITY AND COMFORT!

All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security;

unused housing space to be made available to the people;

rent and prices shall be lowered, food plentiful and no one shall go hungry;

a preventive health scheme shall be run by the State;

free medical care and hospitalization shall be provided for all, with special care for mothers and young children;

slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields, crèches and social centres;

the aged, the orphans, the disabled and the sick shall be cared for by the State;

rest, leisure and recreation shall be the right of all;

fenced locations and ghettos shall be abolished, and laws which break up families shall be repealed.

IF THIS BE TREASON

THERE SHALL BE PEACE AND FRIENDSHIP!

South Africa shall be a fully independent State, which respects the rights and sovereignty of all nations;

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation—not war;

peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;

the people of the protectorates—Basutoland, Bechuanaland and Swaziland—shall be free to decide for themselves their own future;

the right of all the peoples of Africa to independence and self-government shall be recognized, and shall be the basis of close co-operation.

Let all who love their people and their country now say, as we say here:

“THESE FREEDOMS WE WILL FIGHT FOR, SIDE BY SIDE, THROUGHOUT OUR LIVES, UNTIL WE HAVE WON OUR LIBERTY.”

